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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Third periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: HONG KONG * **

[24 January 1996]

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* The second periodic reports concerning rights covered by articles 10 to 12 (E/1986/4/Add.27 and E/1986/4/Add.28) and articles 13 to 15 (E/1990/7/Add.16) as well as additional information (E/1989/5/Add.9) submitted by the Government of the United Kingdom of Great Britain and Northern Ireland were considered by the Committee on Economic, Social and Cultural Rights at its eleventh session (E/C.12/1994/SR.33, 34, 36 and 37).

The annexes referred to in the present report are available for consultation in the secretariat.

** The information submitted by the United Kingdom of Great Britain and Northern Ireland in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.62).

1. The present report constitutes the first comprehensive report to be submitted under the International Covenant on Economic, Social and Cultural Rights in respect of Hong Kong since the introduction of the new reporting cycle for such reports. It covers articles 2 to 15 of the Covenant and also deals with the question of future reporting under article 16.

ARTICLE 2

Incorporation of rights under the Covenant into domestic law

2. In examining the second report in respect of Hong Kong concerning articles 10 to 15 of the Covenant, the Committee expressed regret that, unlike the provisions of the International Covenant on Civil and Political Rights, the provisions of the present Covenant were not incorporated into Hong Kong domestic law. The United Kingdom and Hong Kong Governments note the Committee's view, but respectfully maintain their own view that it is neither necessary nor appropriate to incorporate all the provisions of the International Covenant on Economic, Social and Cultural Rights into the laws of Hong Kong. They note that the rights proclaimed by the International Covenant on Economic, Social and Cultural Rights and those proclaimed by the International Covenant on Civil and Political Rights, though both are concerned with fundamental human rights, are different in nature. It was in recognition of this difference that the rights were set out in separate Covenants with different "enforcement" machinery. It is significant that the obligation imposed by article 2.1 of the International Covenant on Economic, Social and Cultural Rights on each State party is the obligation "to take steps, individually and through international assistance and cooperation ..., to the maximum of its available resources with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures". This language, it is submitted, clearly envisages a progressive process, pursued through a variety of appropriate means, some of which may be legislative measures but some of which, having regard to the nature of the rights concerned, will necessarily, or more effectively, take the form of administrative measures. In Hong Kong, many of the rights enshrined in the Covenant have in fact been realized by administrative measures as well as by legislative measures. Annex 1 to the present report contains a list of such measures, in both categories, by reference to the respective rights that they realize.

Convention on the Elimination of All Forms of Discrimination Against Women

3. In June 1994, the Hong Kong Government announced its decision to seek the extension of the Convention on the Elimination of All Forms of Discrimination Against Women to Hong Kong, with reservations relating to the rent concession provided under annex III to the Joint Declaration [1] and the small house policy (see paras. 252-254 below). The United Kingdom and Hong Kong Governments are now considering the formulation of the reservations that will be needed on these and other aspects of the Convention. Consultation with the Chinese Government will be necessary. This is because extending the Convention to Hong Kong entails accepting new international obligations which it is intended should continue in force after 1997.

Exercise of rights without discrimination: call for comprehensive anti-discrimination legislation

4. There have been calls from human rights groups and others for comprehensive anti-discrimination legislation. A Private Members' Bill on equal opportunities was introduced into the Legislative Council in July 1994. It sought to make it unlawful for public authorities and private persons to discriminate against persons on various grounds, including sex, sexuality, family status, disability, race and trade union membership.

5. The Hong Kong Government fully supports the principle of equal opportunities for all. The Bill of Rights Ordinance prohibits discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. However, since the Ordinance binds only the Government and public authorities, it does not provide protection against discrimination by private individuals. This was why the Hong Kong Government introduced legislation to prohibit discrimination by any person on grounds of sex and disability (see paras. 6-20 below). It does not propose legislation covering other areas at this stage because anti-discrimination legislation is a relatively new area of law in Hong Kong. Its social, economic and legal implications are not yet fully appreciated in the community. The Hong Kong Government therefore proposes a step-by-step approach, concentrating first on areas where there is a clear need for action. It introduced the measures against sex and disability discrimination because these were areas where the need for legislation was both clear and urgent. The next step will be to study the extent of discrimination based on sexual preference, family status and age. The aim of the study will be to determine whether action is needed in these areas and, if so, the best way forward.

First step: sex discrimination

6. Equality of opportunity between the sexes involves important issues of justice, fairness and equality of reward for endeavour. The Hong Kong Government is committed to fostering sex equality. To that end, it introduced the Sex Discrimination Bill into the Legislative Council in October 1994. This was enacted in July 1995.

7. The Sex Discrimination Ordinance outlaws discrimination on the grounds of sex, marital status and pregnancy in specified areas of activity. These include employment, education, provision of goods and services, disposal or management of premises, eligibility to vote for and to be elected or appointed to advisory bodies, club and government activities. The Ordinance also outlaws sexual harassment.

8. The Ordinance provides for the establishment of an independent statutory body, the Equal Opportunities Commission, which will be the focus for attention in matters pertaining to sex equality. Its functions will include:

(a) Working towards the elimination of sex discrimination and sexual harassment;

(b) Promoting equality of opportunity between men and women;

(c) Upon complaint, investigating any act alleged to be unlawful by virtue of the Ordinance and endeavouring, by conciliation, to effect a settlement of the matter in dispute.

9. The Commission will also develop codes of practice in the areas of activity regulated under the Ordinance. These codes will provide practical guidance for compliance with the legislation by the parties concerned.

10. The Ordinance confers jurisdiction on the District Court to hear claims of unlawful sex discrimination and sexual harassment in the same way as other claims in tort. To enhance accessibility, these cases will be assigned to a designated court. Persons may be permitted to address the court in the proceedings even though they are neither legally qualified nor parties to the proceedings, and the Chinese language may be used.

Employment: equal pay for equal work

11. The Ordinance gives effect to the principle of equal pay for equal work. More generally, it outlaws sex discrimination in certain prescribed areas of activity, including employment. It will be unlawful for employers to discriminate between applicants for jobs or in promoting, transferring or training existing employees.

12. The Equal Opportunities Commission will develop codes of practice to provide guidance to employers and employees.

13. The Hong Kong Government considers that the Ordinance and the Equal Opportunities Commission will make an effective contribution towards eliminating sex discrimination and sexual harassment. The Hong Kong Government will set up the Equal Opportunities Commission as soon as possible.

Protection of pregnant employees

14. The Hong Kong Government is considering further improvements in the protection given to pregnant employees under the Employment Ordinance. These will include removing the requirement of a qualifying period of service for entitlement to maternity leave, providing protection against termination of employment on grounds of pregnancy and prohibiting the assignment of pregnant employees to harmful work. The Hong Kong Government is consulting the Labour Advisory Board on the proposals with a view to introducing the necessary legislation into the Legislative Council at the earliest opportunity.

Second step: disability discrimination

15. The Hong Kong Government is committed to integrating disabled people into the community and to tackling problems of discrimination, harassment and vilification that such people face. In July 1995, the Legislative Council passed the Disability Discrimination Bill (enacted as the Disability Discrimination Ordinance on 3 August 1995), which now provides the legal means for disabled people to fight for equal opportunities and for access to and involvement in the community to the fullest extent possible.

16. The Ordinance contains provisions on harassment and vilification. It also covers discrimination on the ground of disability in areas such as:

(a) Work (by employers, professional and trade organizations, and employment agencies);

(b) Membership of partnerships, professional organizations, qualifying bodies and clubs;

(c) Education (by educational institutions in terms of admission and treatment of students);

(d) Access to and use of buildings (see paras. 17 and 18 below), places, vehicles and services;

(e) Accommodation (by landlords or agents in dealing with a person's application for commercial or residential premises);

(f) Recreation and sport.

Access to buildings by disabled people

17. Commentators have drawn attention to the need for public and private residential buildings to be more accessible to disabled people. The Hong Kong Government recognizes this need and, in consultation with concerned non-governmental organizations (NGOs), is reviewing its 1984 "Design Manual: Access for the Disabled". It hopes to complete the review by early 1996 and will consult all interested parties, including NGOs, before embodying the review's conclusions in a revised manual. The Hong Kong Government considers it neither necessary nor practical to require all units in all residential buildings to be made accessible to the disabled. Rather, it considers that a reasonable portion of units in new buildings should be designed for such access.

Implication of the enactment of the Disability Discrimination Ordinance for existing and future residential buildings

18. The Ordinance's provisions relate mainly to new buildings and to existing buildings undergoing major alterations or additions. There are no mandatory requirements that all existing buildings must meet. The Ordinance stipulates that:

(a) Existing buildings undergoing alterations or additions requiring building approval will receive approval only if such access as is reasonable is provided;

(b) Existing buildings not undergoing alterations or additions are exempt if they were not originally designed or constructed to be accessible to people with a disability and the alteration would impose unjustifiable hardship. However, if a complaint is made and such hardship is not imposed, owners could be required to make them accessible;

(c) New buildings requiring approval to be built will receive approval only if such access as is reasonable is provided.

Legal representation and protection

19. Disabled people have the same rights as all members of the community to seek protection or assistance from the law. Mentally handicapped persons are specially protected from sexual abuse under the Crimes Ordinance and the Mental Health Ordinance. The mentally ill receive similar protection under the Mental Health Ordinance. Under the rules of the Supreme Court (chap. 4, Subsidiary legislation), legal representation in civil proceedings may be provided by the Official Solicitor (established under the Official Solicitor Ordinance 1991) or some other suitable guardian ad litem.

20. In October 1993, a judiciary working group examined the question of mentally handicapped persons giving evidence in court. It sought to devise immediate and practical solutions to reduce the possible trauma that mentally handicapped persons might undergo when giving evidence in criminal trials. It made 17 recommendations, including the use of Cantonese in court proceedings; special procedures at the trial (such as conducting it in a setting similar to a juvenile court); giving evidence by means of a closed circuit television link; and the use of video-recording as evidence in chief. Most of the recommendations can be implemented administratively. Others will entail amending legislation. The judiciary is consulting the legal profession and government departments on a pilot scheme to implement some of the recommendations not requiring legislation. The Criminal Procedure (Amendment) Ordinance 1995 was enacted in July 1995 to implement the proposal that mentally handicapped persons should be able to give evidence by live television link and through video-recorded evidence. The judiciary is taking steps to ensure that the closed circuit television link and other facilities are ready for use in the courts by September 1995.

Succession to landed property in the New Territories

21. This issue, which is related to the equal treatment of the sexes, is discussed in paragraphs 250 and 251 below, under article 11 of the Covenant.

Human rights commission

22. In its observations on the second report in respect of Hong Kong concerning articles 10-15 of the Covenant, the Committee enjoined the Hong Kong Government to allow the Legislative Council to consider the desirability of establishing a human rights commission. This topic was addressed in paragraphs 10 and 11 of the fourth report in respect of Hong Kong under the International Covenant on Civil and Political Rights (CCPR/C/95/Add.5), under article 2 of that Covenant. That report stated that the Hong Kong Government had carefully considered the proposal and concluded that it was not the best way forward in the particular circumstances of Hong Kong. Human rights in Hong Kong were founded on the rule of law, on a truly independent judiciary, and on an effective Bill of Rights Ordinance. These safeguards provided a sound base for protecting human rights in Hong Kong. Instead of establishing an entirely new institution, with a wide-ranging but imprecise remit in the field of human rights, it would be more effective to

rely on and to strengthen existing institutions by introducing practical measures to meet the concerns of the community. In pursuing this objective, the Hong Kong Government announced in July 1994 a series of specific measures to address those concerns. Paragraph 11 of document CCPR/C/95/Add.5 lists some of the measures in question, which are individually discussed in subsequent paragraphs of that report under the relevant articles of that Covenant.

ARTICLE 3

23. The measures that have been taken to ensure the equal rights of men and women to the enjoyment of the rights set out in the Covenant are discussed in paragraphs 6 to 14 above under article 2 of the Covenant.

ARTICLE 4

24. The Government of Hong Kong does not subject the rights provided in conformity with the Covenant to any limitations other than those determined by the laws of Hong Kong. Any such limitations are compatible with the nature of those rights and are solely for the purpose of promoting the general welfare in a democratic society.

ARTICLE 5

25. The Hong Kong Government imposes no restrictions upon and makes no derogations from any fundamental human rights on the pretext that such rights are not recognized, or are only partly recognized, by the Covenant.

ARTICLE 6

26. Information relating to this article was provided in the following reports on International Labour Organization (ILO) Conventions:

(a) Article 22 report on the Unemployment Convention (No. 2) for the period from 1 July 1989 to 30 June 1993;

(b) Article 22 report on the Forced Labour Convention (No. 29) for the period from 1 July 1991 to 30 June 1993;

(c) Article 22 report on the Abolition of Forced Labour Convention (No. 105) for the period from 1 July 1994 to 31 December 1994;

(d) Article 22 report on the Employment Policy Convention (No. 122) for the period from 1 July 1992 to 30 June 1994;

(e) Article 22 report on the Human Resources Development Convention (No. 142) for the period from 1 July 1987 to 30 June 1991;

(f) Article 19 report on the Discrimination (Employment and Occupation) Convention (No. 111) for the period ending 30 June 1995.

Employment statistics

27. The statistics for employment, unemployment and underemployment in the years 1983, 1988, 1993 and 1995 are set out in annex 2 to the present report.

Effect of imported workers on the domestic workforce

28. In recent years, sustained economic growth led to labour shortages in certain sectors. These shortages had the potential to slow the rate of growth and, in consequence, to reduce prosperity in the long term. To prevent that, the Hong Kong Government initiated a scheme permitting selected industries to import up to 25,000 workers from outside Hong Kong at the technician, supervisor, craftsman and experienced operative levels. Additionally, the Government initiated a special scheme allowing a maximum of 17,000 imported workers to work on the new airport and related projects so as to ensure that those major developments did not further exacerbate the existing labour shortage. Both schemes are subject to the condition that imported personnel cannot be used to "undercut" local workers. And they can be imported only where local labour of the right calibre is unavailable.

29. There have been criticisms that such schemes adversely affect the employment opportunities of the domestic workforce. The Hong Kong Government considers that the schemes have contributed to sustaining economic growth at a time when the labour supply has been very tight. Nevertheless, it is reviewing the main scheme in the light of the prevailing employment situation. Recently, the labour market has become less tight. Notwithstanding continued growth in total employment, unemployment rose to 3.5 per cent in the three months ending August 1995. This remains low by international standards, and mismatches continue to exist between job vacancies and the skills offered by unemployed workers. But the Hong Kong Government's measures for improving job matching, placement and retraining should help the situation.

Action taken against illegal workers

30. The Hong Kong Government is deeply concerned about the presence of illegal workers in Hong Kong. Such workers include illegal immigrants and visitors who breach their conditions of stay by taking up employment. In 1994, to combat this problem more forcefully, the Hong Kong Government established an immigration task force. The task force regularly visits places of employment and conducts joint operations with the police to identify illegal workers. The Hong Kong Government will double the size of the task force later this year. Employers of illegal workers are also prosecuted. A 24-hour telephone hotline and a fax line are available for members of the public to report cases of illegal employment.

Retraining of local employees

31. The Employees Retraining Ordinance, enacted in 1992, established the Employees Retraining Fund. This finances a Government scheme for retraining local employees affected by economic restructuring. It covers displaced workers, home-makers, disabled workers, industrial accident victims and the elderly. By providing new or enhanced skills, the scheme helps such people to obtain employment in other trades or at a higher level in their existing

trades. Workers displaced often have difficulty in finding new jobs because their existing skills do not meet the needs of the growing industries. The retraining scheme helps to resolve this mismatch by providing people with skills that are specifically needed by industries which are short of labour. Annex 3 to the present report sets out further information about the scheme, including the number of retrainees who have completed retraining and the placement rate for active job-seekers.

ARTICLE 7

32. Information relating to this article was provided in the following reports on ILO conventions:

(a) Article 19 report on the Minimum Wage-Fixing Convention (No. 131) for the period ending 31 December 1990;

(b) Article 19 report on Discrimination (Employment and Occupation) Convention (No. 111) for the period ending 30 June 1995.

33. Information relating to the legislation on occupational safety and health is given in the following reports under ILO Conventions:

(a) Article 22 report on the Labour Inspection Convention (No. 81) for the period from 1 July 1993 to 31 December 1994;

(b) Article 22 report on Radiation Protection Convention (No. 115) for the period from 1 July 1990 to 30 June 1994;

(c) Article 22 report on Working Environment (Air Pollution, Noise and Vibration) Convention (No. 148) for the period from 1 July 1989 to 30 June 1993.

Prevention of accidents and diseases in industrial undertakings

34. The Factories and Industrial Undertakings Ordinance is Hong Kong's principal law on industrial health and safety. It prescribes, or empowers subsidiary legislation to prescribe, requirements for the prevention of accidents and diseases, including detailed rules for certain trades and work processes.

35. The relevant provisions made under this Ordinance apply to industrial undertakings such as factories, mines, quarries, shipbuilding, construction work and catering establishments. They are contained in 27 sets of subsidiary legislation, the most important of which are listed in annex 4 to the present report, together with other safety-related legislation.

36. Annex 5 to the present report sets out the penalties for breaches of the regulations made under the Factories and Industrial Undertakings Ordinance that are listed in annex 4 and also the prosecution statistics for such breaches.

37. Information on the provision of compensation for work-related accidents and diseases is given in paragraphs 77 to 80 below, under article 9 of the Covenant.

Criteria for promotion

38. Promotion criteria are set by employers and vary from industry to industry. They include experience (seniority), competence, academic attainment and suitability for the job. The 1995 Sex Discrimination Ordinance makes it unlawful for employers to discriminate on grounds of sex when promoting, transferring or training employees. The Disability Discrimination Ordinance, enacted on 3 August 1995, makes the same provisions in respect of disabled employees.

Entitlement to weekly rest

39. Information on weekly rest was provided in the article 22 report on the ILO Weekly Rest (Industry) Convention (No. 14) for the period from 1 July 1993 to 30 June 1994.

Entitlement to paid holidays

40. Information on holidays with pay was provided in the article 22 report on the ILO Holidays with Pay (Agriculture) Convention (No. 101) for the period from 1 July 1990 to 30 June 1994. Under the Employment Ordinance, employees are entitled to 11 statutory holidays a year. Employees who have worked for their employers continuously for three months preceding a statutory holiday are entitled to be paid for that holiday at the normal wage rate. Annex 6 to the present report sets out the penalties for breaches of these provisions and provides prosecution statistics for such breaches.

Working hours of women and young persons in industrial undertakings

41. The Women and Young Persons (Industry) Regulations made under the Employment Ordinance impose various limitations on hours of work and periods of employment. These are described in annex 7 to the present report. The penalties for breaches of these provisions and prosecution statistics for such breaches are to be found in annex 8 to the present report.

Migrant workers and foreign domestic helpers

42. Migrant workers and foreign domestic helpers enjoy the same rights and benefits under labour legislation as do local workers. The Employment Ordinance, which is the principal Ordinance governing terms and conditions of employment, applies to all employees in Hong Kong. The Employees' Compensation Ordinance provides that employees receiving injuries arising from and in the course of employment are entitled to claim compensation of up to HK$ 1.44 million for permanent total incapacity or HK$ 1.26 million for death. If their employers become insolvent, migrant workers, like their local counterparts, may apply for ex gratia payments (covering wages, wages in lieu of notice and severance payment) from the Protection of Wages on Insolvency Fund.

43. Migrant workers can make use of the services provided by government departments. In particular, the Labour Department provides a conciliation service to help to resolve disputes relating to wage claims. If the matter cannot be resolved through conciliation, workers can take their claims to the Minor Employment Claims Adjudication Board or the Labour Tribunal.

44. Migrant workers are informed of their rights and benefits under the law through pamphlets, briefing sessions and an enquiry service. A 24-hour hotline for complaints is also available free of charge.

45. There are currently about 150,000 foreign domestic helpers in Hong Kong, of whom over 90 per cent come from the Philippines. They have made significant contributions both to individual families and also to the economy. To provide recreation facilities during their day of leave, the Hong Kong Government is taking the initiative to make available a number of venues for foreign domestic helpers to run activity centres. The Hong Kong Bayanihan Trust, a non-profit making organization formed mainly by Filipino business executives, is responsible for financing the scheme and operating and managing the centres.

46. Foreign domestic helpers are admitted into Hong Kong to perform domestic work for a specific employer under a standard two-year contract of employment. When their contracts end, they may enter into new contracts with the same or new employers. But they must first take home leave before returning to Hong Kong to start the new contract.

47. If their contracts are terminated prematurely, foreign domestic helpers may stay for two weeks or for the remainder of the 12-month period endorsed in their passports, whichever is the shorter. This is known as the "two-week rule". Since employers must pay for their foreign domestic helpers homeward passage, the two weeks gives them sufficient time to make arrangements to leave Hong Kong. Thereafter, any new applications for domestic work in Hong Kong must be submitted from the foreign domestic helpers countries of origin.

48. In examining the second report in respect of Hong Kong concerning articles 10 to 15 of the Covenant, the Committee commented on the two-week rule and recommended its repeal. The Hong Kong Government has given careful consideration to this recommendation, but maintains its view that the rule is both reasonable and necessary. Its purpose is to deter foreign domestic helpers from overstaying their time and taking up unauthorized work. It does not discriminate against them: workers brought into Hong Kong under the labour importation schemes are subject to the same rule. The rule is exercised flexibly to take account of genuine grievances in special cases. For example, foreign domestic helpers may be permitted to change employers without returning to their countries if their contracts are terminated as a result of their employers' death, emigration or financial difficulties or if they have been subjected to abuse by their employers.

49. Foreign domestic helpers, like all non-permanent residents, are eligible for registration as electors provided that they fulfil certain statutory requirements. That is, they must be at least 18 years old, have not fallen foul of any of the statutory disqualifications (e.g. past conviction or mental illness) and have ordinarily resided in Hong Kong for the seven years immediately preceding the date of application for registration.

50. Also in connection with the second report concerning articles 10 to 15 of the Covenant, the Committee expressed concern that there were no maximum working hours for foreign domestic helpers. However, except for women and young persons aged between 15 and 17 working in industrial undertakings, Hong Kong has no legislation limiting working hours. Indeed, it would be impractical to impose such limits for foreign domestic helpers because the nature of household chores is such that their work is done intermittently during the day. However, any foreign domestic helpers who consider that they have been asked to work unreasonably long hours can apply to the Immigration Department to change employer on grounds of maltreatment.

51. The Committee also expressed concern about the fact that, unlike professionals from developed countries, foreign domestic helpers are not allowed to bring their families to Hong Kong. There are sound practical reasons for this rule, which is by no means discriminatory. Foreign nationals who live and work in Hong Kong may bring their families only if they will not be a burden on Hong Kong's resources and services. They are responsible for their families' accommodation and other needs while in the Territory.

52. Foreign domestic helpers are hired to work and live in their employer's home. Most families in Hong Kong live in small flats, few of which can accommodate more than one additional person. The physical constraints make it practically impossible to allow foreign domestic helpers to bring their families, though family members have always been able to visit them in Hong Kong.

53. The rule also exists for economic and demographic reasons. Given the sheer number of foreign domestic helpers in Hong Kong, allowing their family members to come with them would generate heavy demand on services. There are now over 150,000 foreign domestic helpers in Hong Kong: if their families were permitted to come with them, this population could easily triple.

ARTICLE 8

54. Information on the rights of trade unions was provided in Hong Kong's reports under the following ILO Conventions:

(a) Article 22 report on Right of Association (Agriculture) Convention (No. 11) for the period from 1 July 1990 to 30 June 1992;

(b) Article 22 report on Freedom of Association and Protection of the Right to Organize Convention (No. 87) for the period from 1 July 1992 to 30 June 1994;

(c) Article 22 report on Right to Organize and Collective Bargaining Convention (No. 98) for the period from 1 July 1994 to 31 December 1994;

(d) Article 22 report on Rural Workers' Organizations Convention (No. 141) for the period 1 July 1992 to 30 June 1994;

(e) Article 22 report on Labour Relations (Public Service) Convention (No. 151) for the period from 1 July 1991 to 30 June 1993.

Freedom and right to strike

55. There is no legislative prohibition on the right to strike. Certain statutory immunities are given to employees on strike and to registered trade unions, under the Trade Unions Ordinance, if strike action is called in contemplation or furtherance of a trade dispute. For example, no suit or other legal proceeding may be maintained in any civil court against a registered trade union in respect of any acts done in contemplation or furtherance of a trade dispute to which a member of such trade union is a party. Legislative action is in hand to extend to individual employees, union officials and members immunities from certain tortuous acts committed in contemplation or furtherance of trade disputes.

Cooling-off period during industrial action

56. While there is no restriction on the right to strike, the Labour Relations Ordinance provides that the Governor-in-Council may, in special circumstances, impose a cooling-off period during which the parties to a dispute must discontinue industrial action. To date, this measure has never been exercised.

57. There is more extensive and more detailed discussion of the right to join trade unions, and generally of the rights guaranteed by article 8 of the Covenant, in paragraphs 255 to 267 of the fourth periodic report in respect of Hong Kong under the International Covenant on Civil and Political Rights (CCPR/C/95/Add.5), in relation to article 22 of that Covenant.

ARTICLE 9

Overall objective of social security

58. The Hong Kong Government's social security policy is to meet the basic and special needs of Hong Kong's disadvantaged people. These include such people as the financially vulnerable, the elderly and the severely disabled. All local residents, irrespective of their sex, race or religion, enjoy the right to social security. This is achieved through a comprehensive social security system administered on an entirely non-contributory basis. The mainstay of the system is the comprehensive social security assistance scheme and the social security allowance scheme. The comprehensive social security assistance scheme is an income-support scheme. It provides a safety net for those proven to be in need of financial aid for various reasons, such as old age, disability, temporary illness, low income or unemployment. The social security allowance provides old-age benefits and invalidity benefits for the elderly and the severely disabled. A person can receive either assistance under the comprehensive social security assistance scheme or one of the allowances under the social security allowance scheme. Both schemes are non-contributory and non-statutory. They are wholly funded from the general revenue and are administered by the Social Welfare Department.

Comprehensive social security assistance scheme

59. The scheme is means-tested. Its purpose is to raise the income of a single person or a family to a level, relevant to the conditions in Hong Kong, at which they can meet essential needs such as food, rent and clothing. All recipients are entitled to free medical treatment at public hospitals or clinics. As at 31 July 1995, some 156,000 people were receiving assistance under the scheme.

Eligibility for the Comprehensive social security assistance scheme

60. To be eligible, a person must have resided in Hong Kong for at least one year. In cases of genuine hardship, this criterion may be waived. Recipients who are able-bodied, aged 15 to 59 and available for work must register with the Labour Department for job placement.

Rates of assistance under the comprehensive social security assistance scheme

61. As at 1 April 1995, the standard rates were:

	Single person	Family member
	HK$ per month	HK$ per month
Person aged 60 or above	1 810	1 505
Disabled adult		
50 per cent disabled	1 810	1 505
100 per cent disabled	2 260	1 960
Requiring constant attendance	3 315	3 005
Disabled child		
50 per cent disabled	2 410	2 105
100 per cent disabled	2 865	2 555
Requiring constant attendance	3 910	3 610
Able-bodied child	1 810	1 505
Able-bodied adult (aged 15-59)	1 210	1 045

In order to encourage persons receiving social security assistance to become financially independent, earnings up to the equivalent of the able-bodied adult rate are disregarded in the calculation of entitlement. The value of property owned but lived in by an applicant is also disregarded. Other assets (to a maximum of HK$ 26,650 for a single person, and HK$ 17,750 per family member for a family) are also disregarded.

Other special grants under the Comprehensive social security assistance scheme

62. In addition to the standard rates, there are special grants to cover costs such as rent, school fees and other educational expenses, medically recommended diets, glasses, dentures and burials. These are paid as and when they are needed.

Revision of rates under the Comprehensive social security assistance scheme

63. The standard rates are revised annually to take account of inflation. The level and scope of special grants are also reviewed regularly to cover the actual cost of the items covered or inflation and to meet the changing needs of recipients.

Annual long-term supplement under the Comprehensive social security assistance scheme

64. People who have received assistance continuously for 12 months also receive an annual long-term supplement. This is to pay for the replacement of essential household items. With effect from 1 April 1995, the amount is HK$ 1,340 for a single person; HK$ 2,680 for a family with two to four members; and HK$ 3,705 for a family with five or more members.

Social security allowance scheme

65. The social security allowance scheme provides the old age allowance and the disability allowance. These take the form of a monthly flat-rate allowance to elderly persons aged 65 or above and to severely disabled persons. Rates are revised annually to take account of inflation.

Old age allowance

66. The allowance is payable to elderly persons who have lived in Hong Kong for at least five years. It is non-means-tested for those aged 70 and above. The 1995 rate of this allowance is HK$ 595. A lower allowance of HK$ 525 is payable to those aged between 65 and 69 who have made a simple declaration that their income and assets do not exceed the prescribed limits. As at 31 July 1995, some 404,000 people were receiving this allowance.

Disability allowance

67. The disability allowance is not means-tested. It is payable to persons of all ages who are certified by recognized medical authorities to be suffering from a disability broadly equivalent to 100 per cent loss of earning capacity. The 1995 rate of this allowance is HK$ 1,050. A higher rate of HK$ 1,800 is paid to those who need constant daily attendance from others and who are not receiving such care in a government or subsidized institution. Disability allowance applicants must satisfy a one-year residence requirement. As at 31 July 1995, some 62,000 people were receiving this allowance.

68. The comment has been made that the disability allowance takes insufficient account of the different needs of people with different types or degrees of disability. But the purpose of the disability allowance is to

provide some measure of financial assistance to severely disabled persons who need substantial help from others to cope with their daily life. It is difficult to quantify the special requirements of severely disabled persons, whose condition varies from individual to individual. Therefore, the allowance was linked to the single person basic rate under the then Public Assistance (now comprehensive social security assistance) scheme. The linkage provided a convenient means of regular review in relation to the cost of living.

Government expenditure on social security

69. In the 1994/95 financial year, the Hong Kong Government spent a total of HK$ 6,918.2 million on social security, including administrative costs. This comprised 4.8 per cent of total government expenditure and 0.67 per cent of the gross domestic product (GDP) for the year 1994. The corresponding figures for the 1984/85 financial year were HK$ 1,492.1 million, 4.1 per cent of total government expenditure in that financial year, and 0.58 per cent of GDP for the year 1984. The increase over the 10-year period is due to improvements to the various schemes. For example, the qualifying age for the old age allowance was lowered from 70 to 65; a higher rate of disability allowance was introduced for severely disabled persons in need of constant attendance; the coverage of special grants was increased; and there were real increases in the levels of benefits under the comprehensive social security assistance scheme.

Adequacy of social security arrangements

70. The adequacy of comprehensive social security assistance benefits is a lively issue in Hong Kong. Recent academic research on the adequacy of comprehensive social security assistance rates has made a useful contribution to the ongoing debate. The view has been expressed that the Hong Kong Government should have adopted the conclusions of one piece of such research, which were, essentially, that the current levels of provision were inadequate. However, to determine a perceived minimum acceptable standard of living, the author of the research had applied a concept of "relative poverty" which departed radically from the philosophy and established policy of the comprehensive social security assistance scheme. The recommendations of the research also had serious financial and economic implications. Therefore, the Hong Kong Government has not been able to make use of the research or accept its recommendations as a basis for changing its policy on social security.

71. Over the years, the comprehensive social security assistance scheme has been improved to ensure that payment rates are better tailored to meet the needs of clients. The rates are adjusted each year in accordance with increases in the cost of living. Real increases have also been made to enable clients to share in Hong Kong's growing wealth. Over the last two decades, the rates have increased by more than 16 times, whereas inflation has increased by less than 7 times. The average monthly comprehensive social security assistance payments now range from $2,650 for a single person to $8,210 for a family of four, representing 29 to 90 per cent of the median wage.

72. The Hong Kong Government is alive to people's concern and the need to ensure that comprehensive social security assistance benefits meet the needs

of those who unfortunately have to rely on them. It has started a comprehensive review of social security arrangements to assess how well they are meeting the needs of clients. The review will be completed in early 1996 and funds have been reserved to implement improvements in comprehensive social security assistance in the 1996/97 financial year.

73. The amount of financial assistance provided under the disability allowance is not related to the levels of expenditure that persons may incur because of their special needs arising from disability. Therefore, no attempt has been made to introduce different allowances rates for different types of disability. This approach is by no means peculiar to Hong Kong. Australia, Canada, New Zealand, the United Kingdom, France, Germany and many other countries also do not pay different rates of disability benefits for different types of disability. Since the allowance is also non-means-tested in practice, some disabled persons may find it generous; some just adequate; and others inadequate. In any event, the comprehensive social security assistance is available to disabled persons who have financial difficulties in meeting their needs.

Government's general policy on medical care

74. This topic is discussed in paragraphs 255 to 265 below.

Entitlement to sickness days and sickness allowance

75. The Employment Ordinance entitles employees to sickness allowance if they have worked continuously for their employers for a period of one month preceding their illness. This entitlement is subject to their having a credit balance of accumulated sickness days. To qualify for sickness allowance, any sick leave taken must be for no less than four consecutive days and be certified by a registered medical practitioner or dentist. Entitlement to sickness allowance is accrued at the rate of two paid sick days for each completed month of employment during the first 12 months of employment, and four such days for each month of service thereafter, subject to a maximum of 120 days. The daily rate of sickness allowance for any employee is equal to two thirds of that employee's normal wages. Employers must pay this on the normal pay day. Failure to pay the allowance carries a maximum fine of HK$ 10,000. One employer was convicted for the offence in 1993 and fined HK$ 1,000. Another was convicted in 1994 and fined HK$ 1,500. In the first seven months of 1995, the Labour Department handled a total of 193 claims and settled about 64 per cent of them. The rest were referred to the Labour Tribunal or the Minor Claims Adjudication Board for adjudication. There were no prosecutions against employers during this period. Legislative action is in hand to increase the maximum fine to HK$ 50,000.

76. Information on maternity benefits was provided in the article 22 report under the ILO Maternity Protection Convention (No. 3) for the period from 1 July 1988 to 30 June 1992.

77. Information on the compensation schemes for employees injured at work or suffering from occupational diseases was provided in the following article 22 reports to the ILO:

(a) Report on the Workmen's Compensation (Agriculture) Convention (No. 12) for the period from 1 July 1989 to 30 June 1993;

(b) Report on the Workmen's Compensation (Accidents) Convention (No. 17) for the period from 1 July 1989 to 30 June 1993;

(c) Report on the Workmen's Compensation (Occupational Diseases) Convention (Revised) (No. 42) for the period from 1 July 1989 to 30 June 1993.

Compensation under the Employees Compensation Ordinance

78. With effect from 1 January 1994, the levels of benefits under the Employees Compensation Ordinance have been as follows:

(a) Compensation for permanent total incapacity and death. Compensation levels are assessed in terms of monthly earnings, up to a maximum of $15,000 a month. The respective maxima and minima for death and permanent total incapacity are set out in the following table:

Age group	Compensation levels					
	Death			Permanent total incapacity		
	Amount	Maximum	Minimum	Amount	Maximum	Minimum
Under 40	84 months' earnings	HK$ 1.26 million	HK$ 219 000	96 months' earnings	HK$ 1.44 million	HK$ 248 000
40-55	60 months' earnings	HK$ 900 000		72 months' earnings	HK$ 1.08 million	
56 and over	36 months' earnings	HK$ 540 000		48 months' earnings	HK$ 720 000	

(b) Compensation for employees requiring constant attention. The maximum amount of compensation is HK$ 297,000; this compensation is payable in addition to that for permanent incapacity;

(c) Medical expenses. The maximum daily rate is HK$ 120;

(d) Costs of prostheses or surgical appliances. The maximum benefit for supplying and fitting a prosthesis or surgical appliance is HK$ 24,000. That for repair and renewal (accumulative cost over a period of 10 years) is HK$ 74,000.

Compensation for pneumoconiosis

79. The Pneumoconiosis (Compensation) Ordinance, as amended in 1993, provides that a person suffering from pneumoconiosis shall receive compensation for incapacity in the form of a monthly payment until he dies.

His family may claim a lump-sum in compensation if he dies of pneumoconiosis. The detailed compensation provisions are set out in annex 9 to the present report.

80. Pneumoconiotics receiving compensation under the Pneumoconiosis (Compensation) Ordinance may receive further medical examinations every two years. If they are found to have suffered additional incapacity, their monthly compensation for incapacity (see annex 9, para. (a)) is adjusted accordingly.

Problems and shortcomings

81. Whenever Governments provide income-support schemes, arguments arise as to whether or not such schemes adequately address poverty. Hong Kong is no exception. Despite various improvements over the past years, there have been calls for higher levels of social security benefits, in particular the standard rates for children under the comprehensive social security assistance scheme. In response, the Hong Kong Government increased the standard rates for children in real terms by HK$ 100 a month with effect from April 1994 and by HK$ 205 a month with effect from April 1995. In mid-1994, a tertiary education institution published a study it had conducted on the financial needs of disadvantaged individuals and families. This was a useful pioneering exercise, which highlighted the need for more detailed research in social security in Hong Kong.

82. In late 1994, the Hong Kong Government initiated a review of existing social security arrangements in order to assess how well they were meeting clients' needs. The review is expected to be completed in early 1996. Funds have been reserved to improve the comprehensive social security assistance in the 1996/97 financial year.

83. The view has been expressed that many comprehensive social security assistance customers are unaware of their entitlement to special grants under the scheme owing to insufficient publicity. To address any such problem, the Social Welfare Department has increased the level of publicity for its various schemes. A video tape was produced in April 1994 and is now shown at each of the 32 social security offices. In June 1994, the Hong Kong Government published a handbook on the comprehensive social security assistance. This explains the types and levels of grants that recipients are entitled to under the scheme. It also sets out the complaint and appeal procedures and other pertinent information.

ARTICLE 10

The family

84. The 1991 White Paper, Social Welfare into the 1990s and Beyond, states that the family unit is a vital component of society: "It provides an intimate environment in which physical care, mutual support and emotional security are normally available to foster the development of children into healthy and responsible members of society. The family is a source of support and strength in the care of the infirm and the elderly as well as disabled persons and the delinquent for whom family involvement generally contributes

to a more successful rehabilitation." The emphasis is on the functions of the family and its effect on the individuals within the unit, rather than the forms in which they exist.

Definition of family

85. The term "family" as used by the Hong Kong Government generally refers to a group of people of at least two generations related by blood and by marriage who may be living together as one household or separately, but keeping their kinship intact. In Hong Kong, the most prevalent family structures are the unextended nuclear family and the vertically extended nuclear family. An unextended nuclear family household is one which comprises a "family nucleus" without other related persons. 2/ A vertically extended nuclear family comprises a family nucleus with one or more related persons not of the same generation.

Unextended nuclear family households

86. Over the past two decades, the number of unextended nuclear families has increased. According to the 1991 Hong Kong population census, 61.6 per cent of domestic households were unextended nuclear family households comprising an average of 3.6 persons. The family ties, mutual care and support that members of extended families provide one another are gradually diminishing. Without this support, low income "nuclear" parents must turn to the community for support so as to free themselves for full-time employment. The increasing number of unextended nuclear families has engendered a corresponding increase in the demand for family support, child welfare services, social security benefits and housing assistance.

Single parent families and split families

87. The 1991 population census recorded a total of 34,538 single parents, of whom 23,059 (66.8 per cent) were single mothers and 11,479 (33.2 per cent) single fathers. Most single parents were in the 30-49 year age range and were living with one or two children. About 71.4 per cent of single parents were working, while others were either home-makers, retired, or unemployed. In the absence of support from spouses, single parents often need financial and housing assistance, child care services, home-help services, counselling services, temporary shelter and emotional support. This need is particularly acute for those living in new towns where social networking and neighbourliness have yet to develop.

88. The number of single parent families is increasing and the plight of those on low incomes has aroused public concern. The heads of these families are usually parents who have been widowed, divorced or separated, and who are living with children below the age of 18. The increase is mainly attributable to the rapid increase in the divorce rate. That in turn arises largely from the changing values attached to marriage and cohabitation and the changing role of women in respect of their social-economic status in the community. In 1993, there were 8,626 divorce petitions as compared to 3,734 in 1983. Additionally, over the last 10 years there has been an increasing number of

mothers among illegal immigrants from China. After these mothers have been repatriated, their children are usually left in the sole care of their fathers.

Immigration from China for family reunion

89. Every year, Hong Kong accepts nearly 40,000 immigrants. This is equivalent to a medium-sized European town and is a significant number considering Hong Kong's high population density. The main source of immigrants is China. Over 90 per cent come to Hong Kong for family reunion. The Chinese Government is responsible for approving individual applications for immigration to Hong Kong.

90. Despite Hong Kong's acceptance of large numbers of immigrants from China, the number of persons seeking entry for family reunion remains high. It is estimated that there are about 300,000 to 400,000 persons in China with family connections in Hong Kong. Many of these belong to nuclear families split across the border. The number of split families remains high because not all the members of the same family receive approval to come to Hong Kong at the same time. Approval is given on an individual basis. The increased incidence of cross-border marriages between Hong Kong men and Chinese women also adds to the pressure. Because of the large number of persons in the queue waiting for entry into Hong Kong, wives of Hong Kong men have to wait for a number of years to join their husbands. Generally speaking, children born to these families while the mothers are still in China have an automatic right of abode in Hong Kong only if one of their parents is a British Dependent Territory citizen. In most cases the parents do not have that status (since many of them were once immigrants from China). But, after 1997, children born outside Hong Kong, but who, at the time of their birth have one parent who is a Hong Kong permanent resident, will have the right of abode (see para. 95 below).

91. In its concluding observations, dated 7 December 1994, on the second report in respect of Hong Kong concerning articles 10 to 15 of the Covenant, the Committee recommended a review of Hong Kong's existing immigration policy with a view to amending the provisions which result in split families. It is not - and never has been - the Hong Kong Government's policy to split families. Rather, it is doing its best to reunite them in a phased and orderly manner. To do otherwise would place excessive strain on the Territory's social infrastructure, such as schools, housing and welfare services. That would be greatly to the detriment of Hong Kong's residents and to the families themselves.

92. The phenomenon of split families arises from marriages between men living in Hong Kong and women living in China. Because the numbers wishing to migrate to Hong Kong is very high, the women - and any children born to them in China - have to await their turn before they can join their husbands in the Territory. Most do so patiently, even though this means that their families are separated. But significant numbers try to jump the queue by entering Hong Kong illegally. Children born to them while they are there have an automatic right of abode and cannot be removed or deported. But - like all illegal immigrants - the mothers are returned to China. Most choose to leave their Hong Kong-born children with their husbands.

93. It has been urged that, for humanitarian reason, the Hong Kong Government should allow illegal immigrant mothers to remain. That would be unfair to those waiting their turn in China and would encourage the already brisk trade in illegal immigrant smuggling. This disrupts the system of legal immigration, making it impossible for Hong Kong to maintain a rate of population growth that its social services can sustain. 3/

94. The Hong Kong Government will continue to give high priority to people wishing to enter the Territory for family reunion. But it cannot relax measures that are designed for the benefit of all Hong Kong people.

Differences between Hong Kong law and the Basic Law in respect of the right of abode

95. Existing Hong Kong law and the Basic Law of the Hong Kong Special Administrative Region define Hong Kong permanent residents in different ways. As a result, certain categories of persons who do not now have right of abode in Hong Kong will have that right after 1997 when the Basic Law comes into force. One such category comprises children born outside Hong Kong who, at the time of their birth, have one parent who is a permanent resident of Hong Kong. It is estimated, at the end of 1994, that there were about 64,000 children in this category in China. The number of these children in other countries is minimal.

Increasing the immigration quota from China

96. A sudden influx of all these children into Hong Kong in 1997 would place unmanageable demands on Hong Kong's social services. To avoid this, the Hong Kong Government has begun to bring in these children in a gradual manner. In May 1995, the Hong Kong and Chinese Governments agreed to a further increase in the one-way quota to 150 a day. Of the additional 45 permits, 30 will be allocated to these children and 15 to persons separated from their spouses in Hong Kong for 10 years or more. In determining the level of the increase, the Hong Kong Government took full account of Hong Kong's capacity - in terms of educational, housing and other social resources - to absorb the additional numbers. It does, however, mean that the size of the "medium town" with which Hong Kong's annual intake of immigrants was compared in paragraph 89 above will increase to nearly 55,000.

Social service for new immigrants

97. The Hong Kong Branch of the International Social Service has been receiving a subvention from the Hong Kong Government to provide post-migration services for new immigrants from China. These services include an inquiry and referral service for new immigrants requiring assistance in education, housing, employment, welfare and other services. They also include an orientation service to help new immigrants to adjust to life in Hong Kong.

98. New immigrants in need are entitled to the whole range of welfare services available in Hong Kong such as counselling, family support and school social work services (see also para. 385 below under art. 13 of the Covenant).

Overall objectives of family welfare services and the Hong Kong Government's commitment

99. As stated in the White Paper, the family welfare services aim to preserve and strengthen the family as a unit; to develop caring interpersonal relationships; to enable individuals and family members to try to prevent personal and family problems from arising and to deal with them if they do arise; and to provide for needs that cannot be met from within the family. With regard to these objectives and in the context of rapid social change, the welfare services assist families when they are unable to care for and protect their members. It has been suggested that these services are available only to nuclear or extended families with male heads of household. This is not the case. Family welfare services are available to all families in need of them, whatever type of family they may be.

100. In 1992, the Governor committed the Hong Kong Government to channelling additional resources into family and child welfare services. The aim was to achieve targets that would meet the community's needs, with regular reviews to ensure that they matched the changing needs and circumstances of the various clients. In 1993, he renewed this commitment, saying: "In 1994, the world will mark the International Year of the Family. I hope we will be able to use this occasion to reaffirm the family's role as the basic building block for a stable society."

Provision of welfare services to families since 1992

101. Since the submission in 1992 of the second periodic report in respect of Hong Kong concerning articles 10 to 15 of the Covenant, the provision of family and child welfare services has focused on the following matters:

(a) Preventing family breakdown. Family-life education aims to prevent the breakdown of the family. Through community and group work programmes, family-life education workers promote the importance of family harmony and encourage the public to improve the quality of their family life so as to prevent family problems. To improve this service, the Hong Kong Government has increased the number of family-life education workers from 59 in 1991/92 to 71 in 1994/95. It also opened 19 family activity and resource centres to provide an initial point of contact with social workers for families in trouble. In June 1994, it opened a family care demonstration and resource centre to teach parents home management and parenting skills and how to improve their interpersonal relationships and their care of the young, sick and old. Six parent resource centres have been set up to provide guidance and support to parents with disabled children;

(b) Supporting the family. Comprehensive child care is provided through day nurseries, day creches and the "occasional child-care service". There are also home-help services (such as cleaning and "meals on wheels") and the "family aide service", which offers training in home management to parents having problems running their home. The occasional child-care service also helps to eliminate the risks of leaving young children unattended when their parents have to attend to various commitments or sudden business. Between 1991 and 1994, these services were expanded as follows:

	1991/92	1994/95
Government and aided day nursery places	20 755	23 768
Aided day creche places	947	1 440
Occasional child-care units (three places per unit)	50	135
Home-help teams	72	100
Family aide workers	4	23

An additional 1,735 aided day nursery places and 310 aided day creche places, 75 occasional child-care units, 14 home-help teams and 22 family aide workers will be provided in 1995/96;

(c) Helping families in trouble. There are several services to help families with serious problems. These are the family casework service, the clinical psychology service, the school social work service, and the medical social service. All offer in-depth counselling and therapeutic treatment. Temporary residential care is available to children who, for a variety of reasons, cannot continue to live at home with their parents. Such care includes fostering, small group homes (where house parents look after eight children), residential nurseries and creches (for those under six), and children's homes (for those aged six and above). These services were expanded from 2,570 places in 1991/92 to 3,260 places in 1994/95 to meet increasing demand. The provision of these services is as follows:

	1991/92	1994/95
Family caseworkers	433	491
Clinical psychologists	16	32
School social workers	150	227
Medical social workers	235	318
Foster-care places	240	560
Small group homes	17	86

The Hong Kong Government considers that foster care and small group homes - which provide care in a natural family setting - are better for children. Therefore, in August 1994, it converted two large children's homes into 30 small group homes and one children's home. There are no estimates of the demand for foster care places and small group homes. To remedy this deficiency, the Hong Kong Government set up a central referral system in May 1995 to collect the necessary data to help it to assess demand and to facilitate future planning. Resources have been allocated to recruit 166 family caseworkers in 1995/96 to meet increasing demand and to enhance the quality of casework service. Nine additional clinical psychologists will be provided in 1995/96.

The after-school care programme

102. Families with social and/or financial needs are sometimes unable to give their children adequate adult care and supervision outside school hours. To meet this need, the after-school care programme provides child care, lunch, homework tuition, guidance, counselling and play activities for primary students aged between 6 and 12. As at December 1994, there were about 118 providing services to over 4,600 primary students.

103. The after-school care programme is provided on a fee-charging, non-profit-making and self-financing basis by NGOs. The fees vary according to the actual running costs of the individual centres, which depend on size and location. The Hong Kong Government helps to minimize the centres' costs, and hence the fees they charge, with rent and rate support. The level of such support is assessed against the needs of the individual centres. As at December 1994, fees ranged from $450 to $1,480 a month, averaging about $1,000 a month. Parents in financial difficulties and eligible for the comprehensive social security assistance scheme may apply for full financial assistance for their children to join the after-school care programme. Those with social needs but not eligible for the comprehensive social security assistance scheme may apply for help from charitable trust funds administered by the Hong Kong Government.

Family violence and wife abuse.

104. Domestic violence is a cause of concern in Hong Kong, and the Hong Kong Government is aware of the trauma experienced by those subjected to it. The police do not classify spouse abuse as a crime or disturbance distinct from domestic violence. But they recognize its importance and have issued special guidelines to officers handling such cases.

105. In 1990, a police working group on domestic violence identified the role of the police in any incident of domestic violence as being to:

(a) Protect the victim from further attack;

(b) Ensure that the victim and/or his or her children are not at continuing risk;

(c) Take firm and positive action against the assailant and investigate any offences that may have been committed.

106. Information pamphlets have been issued advising police officers of their role and powers when dealing with domestic violence and advising victims of their rights and remedies. These pamphlets are available in report rooms, other police operational units, and from government and private agencies likely to have dealings with victims of domestic violence.

107. Reports of domestic violence are initially handled by police report room staff and other front-line officers attending the incidents. More serious or complicated acts of violence are investigated by crime or other dedicated

units. All officers attending the scene of domestic violence are trained to offer compassionate and constructive advice and to act positively and professionally at all times.

Statistics

108. In 1993 and 1994, the totals of recorded cases of domestic violence (i.e., cases where the victim was the assailant's spouse or cohabitant) were as follows:

Type of offence	1993		1994	
	Male victim	Female victim	Male victim	Female victim
Murder	-	6	1	6
Wounding	12	31	10	36
Serious assault	28	161	40	194
Rape	-	3	-	-
Indecent assault	-	1	-	-
Unlawful sexual intercourse	-	6	-	2
Total	40	208	51	238
Grand total	248		289	

Services for victims of domestic violence

109. The services available to victims of domestic violence are described in Annex 10 to the present report.

110. A working group on battered spouses was set up in April 1995. It is convened by the Social Welfare Department and includes representatives from seven government departments, the Hospital Authority and the non-governmental sector. The working group is examining measures to tackle the problem of battered spouses and to strengthen coordination among government departments and NGOs. The Working Group will draw up multidisciplinary guidelines on handling victims of domestic violence; work out a system for collecting statistics; and devise a publicity strategy to heighten public awareness of the issue.

International Year of the Family

111. Hong Kong marked the International Year of the Family with an extensive campaign stressing the importance of harmonious family relationships, responsible parenthood and so forth. All sectors of the community were encouraged to organize activities to celebrate the International Year.

Establishing a family: marriage

112. The right of men and women voluntarily to enter into monogamous marriage with their full and free consent is guaranteed under the Marriage Ordinance. Bigamy was rendered illegal with effect from 7 October 1971 by the Marriage Reform Ordinance. This topic is discussed in detail in paragraphs 276 to 279 of the fourth report in respect of Hong Kong under Article 23 of the Covenant (CCPR/C/95/Add.5).

Maternity protection for female workers

113. Under the Employment Ordinance, female employees are entitled to maternity leave, subject to certain conditions. Those who have worked continuously for the same employers for at least 26 weeks are entitled to maternity leave - but they are entitled to pay for such leave only if their contracts so provide. Those who have worked continuously for the same employers for at least 40 weeks before the commencement of maternity leave - and have no more than 2 surviving children - are entitled to leave pay of at least four fifths of their normal wage. Maternity leave normally begins four weeks before the expected date of confinement and ends six weeks after the actual date of confinement. Employees can give notice that they intend to take maternity leave at any time after their pregnancies are certified. Those who have worked for their employers for at least 12 weeks before tendering such notice are protected from termination of employment during the period between the date on which they give such notice and the date on which they are due to return to work.

114. The maximum fine for contravening the maternity protection provisions under the Employment Ordinance is $10,000. In 1993, six employers were convicted of such contraventions and fined an average of about $1,200. In 1994, there were three convictions with average fines of about $2,600. One summons resulted in acquittal.

115. These averages appear low but disguise more substantial figures. In 1993, one employer was fined $5,000 for terminating the contract of employment of a pregnant employee, which was half of the maximum fine prescribed.

Maternity protection for female prisoners and arrangements for the new born child

116. The prison medical service provides antenatal and postnatal care for pregnant prisoners. Newborn children may stay in a prison institution with their mothers during the normal period of lactation. They may also remain there until the age of three or when the mothers complete their sentences, whichever is the earlier. Appropriate welfare is provided for children needing further care.

Extension of the Convention on the Rights of the Child and its promotion

117. The Convention on the Rights of the Child was extended to Hong Kong in 1994. The enactment of the Parent and Child Ordinance in 1993 removed provisions on differential treatment of illegitimate children that were inconsistent with the Convention as applied to Hong Kong. Hong Kong

government officials are regularly reminded of the provisions of the Convention and of the need to ensure that they are given due consideration in the review of legislation and policy formulation. The Hong Kong Government has published the Convention in bilingual booklet form and distributed it to concerned individuals, organizations and the general public. Television programmes on children's rights were broadcast in 1994. Moreover, the Hong Kong Government actively disseminates the contents of the Convention through public human rights functions, exhibitions and school teaching kits and comic books produced in collaboration with the United Nations Children's Fund (UNICEF).

Age of majority

118. In Hong Kong persons reach majority at the age of 18 for most purposes. This means that, as from their eighteenth birthday, they can vote, make wills, become company directors and enter into legally binding contracts. However, because of the relatively conservative nature of Hong Kong society, they cannot, until they reach the age of 21, marry without the consent of their parents or guardians or of a district judge. Nor can a person who has not reached the age of 21 obtain a grant of probate as the sole executor of a will.

Protection of children and juveniles

Child abuse

119. The "Guide to the Identification of Child Abuse" provides guidelines for professionals of all disciplines handling child abuse cases. Child abuse is defined as any act of omission or commission that endangers or impairs a child's physical, psychological or emotional health and development. Children can be abused by anyone entrusted with their care and control, including parents, guardians, child-minders, relatives and teachers. Forms of abuse are classified as follows:

Physical abuse:	non-accidental use of force, burning or poisoning;
Gross neglect:	failure to provide a child with adequate food, clothing, shelter or health care; forcing a child to undertake duties inappropriate to his or her physical strength or age; leaving a child habitually unattended; or unreasonably depriving a child of education;
Sexual abuse:	exploitation of a child for sexual or erotic gratification, such as incest; or exposing a child to other forms of sexual activity, such as fondling or pornographic activities;
Psychological abuse:	behaviour and attitudes that endanger or impair the emotional or intellectual development of a child.

120. Additionally, the "Guide to the Identification of Child Abuse" provides a checklist of indicators for each category of abuse.

121. In 1994, the welfare services handled 450 cases of child abuse. This compared with 452 in 1993, 534 in 1992, and 460 in 1991.

122. In 1993, the better to protect children from abuse, the Hong Kong Government reconvened the working group on child abuse. Members are drawn from various professions such as medicine, law, clinical psychology, social work, and education. The working group recommends new measures and monitors the implementation of earlier ones. The Working Group also organizes programmes to raise public awareness of the need to prevent child abuse and neglect. Also in 1993, the Hong Kong Government set up the Tuen Mun District multidisciplinary forum on child abuse. This was a pilot project to promote understanding and cooperation among professionals dealing with child abuse at the district level. The pilot scheme has been successful and the Hong Kong Government had established five such forums or committees by September 1995.

123. The guidelines and procedures for handling suspected abuse cases were reviewed in 1994 to ensure effective intervention and protection for children. Also in 1994, the Hong Kong Government computerized its Child Protection Registry. This has expedited case-checking and helps to ensure timely intervention in incidents of child abuse. It will also give researchers, planners and caseworkers better access to data and statistics.

124. In 1993, in response to changing social attitudes, the former Protection of Women and Juveniles Ordinance was reviewed and renamed the "Protection of Children and Juveniles Ordinance". The new Ordinance extends protection and care to children (under 14 year-olds) and juveniles (persons aged between 14 and 18) who are suspected to be victims of physical, psychological or emotional abuse. The Ordinance requires professionals dealing with these cases to follow certain procedures designed to ensure that children's rights to protection and care are balanced appropriately against the rights of parents in raising their children.

Training and rehabilitation of young offenders and juvenile delinquents

125. In October 1994, the Hong Kong Government introduced the community support service scheme in collaboration with two NGOs. This offers young offenders and juvenile delinquents training and social rehabilitation programmes. The programmes provide counselling groups on social skills and stress management and job training packages.

Child-care centres

126. The Child-Care Centres Ordinance and Regulations ensure that children in need receive care and supervision in child-care centres under the supervision of a government advisory inspectorate. Parents who need to place their children in day nurseries or creches but cannot pay the fees receive financial assistance from Government funds. As at 31 December 1994, nearly 10,000 children were receiving such assistance.

Commission on Youth

127. The Commission on Youth advises the Hong Kong Government on measures to promote the well-being of young people. In April 1993, it published a

"Charter for Youth" enunciating principles and ideals for youth development. Organizations subscribing to the Charter promise to uphold these ideals and implement the principles as best as they can. The Hong Kong Government was the first subscriber. As at December 1994, over 349 organizations and 1,871 individuals had subscribed to the Charter. Subscribers will share their experience in implementing the Charter in the first biennial review in 1995.

Employment of children and young persons

128. The minimum ages for employing children (i.e., persons under 15 years of age) and young persons (i.e. those aged between 15 and 18 years) are primarily regulated by subsidiary legislation made under the Employment Ordinance. Under the Employment of Children Regulations, it is an offence to employ any child who is under 13 years of age. Children aged between 13 and 15 years who have completed 3 years of secondary education (9 years of schooling) may be employed full-time if their parents consent but subject to certain restrictions on their working hours. If they have not completed three years of secondary schooling, they may be employed only part-time during school terms and not at all in certain prohibited occupations. In no case may children (i.e. persons under 15 years of age) be employed in any factory or industrial undertaking. The aim is to prohibit employment which would interfere with schooling or would endanger children's moral and physical health. Contravention of the Regulations carries a maximum fine of HK$ 25,000. Children under 15 who are caught working illegally - and their parents - have access to counselling at the Hong Kong Government's family services centres.

129. The Apprenticeship Ordinance permits 14 year-olds to work as apprentices in any of 42 designated trades under contracts registered with the Director of Apprenticeship. Under the Employment of Young Persons at Sea Ordinance, persons under 15 are permitted to work on vessels upon which only members of their families are employed.

130. The Dutiable Commodities (Liquor) Regulations prohibit females under 18 years of age from working between 8 p.m. and 6 a.m. in premises licensed to sell liquor, or between 6 a.m. and 8 p.m. except with the written permission of the authorities. The Hong Kong Government aims to extend this provision to all persons under 18 years old. It hopes to submit the amending legislation to the Legislative Council in 1996.

131. The hours of 15 to 17 year-olds working in industrial undertakings are controlled under the Women and Young Persons (Industry) Regulations (see para. 41 above, under art. 7 of the Covenant and also Annex 7 to the present report). The Regulations also prevent 15 to 17 year-olds from working underground in mines and quarries, or in industrial undertakings involving tunnelling. Except with the written permission of the Commissioner for Labour, females of any age and males aged under 16 years may not work in any dangerous trade specified in the First Schedule to the Factories and Industrial Undertakings Ordinance. A person under 18 may not carry loads that are unreasonably heavy having regard to the age and physical development of the individual worker. A person under 16 years of age may not carry loads

exceeding 18 kilograms. The penalties for breaches of these provisions and prosecution statistics for such breaches are contained in annex 8 to the present report.

Child suicide

132. Child suicides have been a cause of concern for many years. The statistics for such cases in recent years are as follows:

School year	Attempted cases	Fatal cases
1991/92	46	21
1992/93	88	22
1993/94	51	12
1994/95	42	14

The ages of those who attempted suicide ranged from 6 to 21. The fatalities were aged between 10 and 20.

133. The Hong Kong Government has responded to this problem with a media campaign to instil parents and students with a sense of the value of life and the importance of communication between parents and children. It has also sought to tackle the issue in the schools by training teachers in the necessary skills to diagnose and handle children who are actually considering suicide or who are at risk of doing so. The training was conducted in seminars and workshops run by overseas and local experts. The Hong Kong Government has also issued to all schools a guidance package on understanding student suicide. The Hong Kong Medical Association also helps by arranging for doctors to give talks to secondary students on mental health and stress management.

134. In 1991, the Advisory Committee on School Guidance and Support Services analysed the fatal cases of adolescent suicide, identifying possible causes and recommending remedial measures. Their findings were distributed to all relevant organizations, government departments and schools for information and follow-up.

135. In 1994, the Coordinating Committee for the Welfare of Children and Youth at Risk, chaired by the Secretary for Health and Welfare, engaged a research team of overseas and local professionals to develop a screening tool for early detection of those at risk. Their work is under way and a final report is scheduled for completion in early 1996. On the recommendation of the Committee, an ad hoc task group was formed in May 1995 to examine possible ways of improving the youth hotline services. Another working group was formed to work on the modernization of existing children's and youth centres. Additionally, the Committee is promoting the concept of peer group support networks among service units to help young people in need.

Drug abuse by adolescents

Rising trend

136. The number of drug abusers aged below 21 remains fairly low, but there have been increases over the past five years. The number of children reported to be abusing drugs increased from 0.96 per 1,000 of the 11 to 17 year-old population in 1989 to 3.78 per 1,000 in 1994. The number of newly reported cases rose from 484 in 1989 to 1,652 in 1994.

Profile of young drug abusers in 1994

137. In the first half of 1995, 1,107, or 9.2 per cent of all the individuals reported to the Government's Central Registry of Drug Abuse, were aged under 18. Of these, 622 became known to the Registry for the first time and comprised 29.1 per cent of all new cases. Some 72.3 per cent of all children abusing drugs were male. Their average age was 15.7. Some 69.6 per cent had used heroin, 17.5 per cent had used cannabis and 13.7 per cent had used cough medicine. Other socio-economic statistics show that nearly half the children abusing drugs had previous convictions, nearly one third were lawfully employed and 22 per cent were studying.

138. The new cases largely reflected these trends. Some 72.3 per cent were male and the average age was 15.7. Heroin was the most popular drug (67.5 per cent), followed by cannabis (19.0 per cent) and cough medicine (14.3 per cent). Some 37 per cent had previous convictions and 31.5 per cent were lawfully employed. Over 95 per cent had received at least secondary education.

Government action to tackle drug abuse among adolescents

139. Drug abuse has social, economic, medical and psychological implications. The Hong Kong Government has adopted a multifaceted approach to reduce the supply of drugs and the demand for them. In March 1995, in response to the high level of concern within the community, the Governor chaired the first summit meeting on drugs. This summit brought together 240 participants from many sections of the community to formulate an education and support strategy to tackle the growing drug abuse by young people. At its conclusion, the Governor launched a new "Beat Drugs" campaign and announced the 26-point "Forward Action Plan" (see annex 11). Action is ongoing. The Hong Kong Government submits quarterly progress reports to all those who participated in the summit.

Control of drugs

140. The Dangerous Drugs Ordinance requires medical practitioners and authorized pharmacies to comply with strict regulations governing the procurement and supply of dangerous drugs. Similarly, the Pharmacy and Poisons Ordinance imposes controls on the supply of pharmaceutical products. The legislation is kept under regular review to ensure it is up-to-date and effective. Amendments are made as and when necessary.

141. The Police, Customs and the Department of Health all take vigorous action to stop and reduce the supply of illicit drugs.

Preventive, education and publicity programmes

142. Measures to reduce the demand for drugs include preventive education, 26 publicity, treatment and rehabilitation.

143. The Action Committee against Narcotics runs preventive education and publicity programmes to discourage drug abuse among young people who are most vulnerable and at risk. The programmes mainly comprise school talks and seminars, community involvement projects and promotions, education and publicity through the mass media and the production of materials for education and publicity. In 1994/95, the Action Committee and the Hong Kong Government spent about HK$ 3 million on preventive education and publicity programmes. These comprised school talks, workshops for teachers, seminars for social workers, community involvement projects, various media broadcasts, a hotline service and publicity materials. It is difficult to evaluate the effectiveness of the programmes in quantitative terms. Nevertheless, the Hong Kong Government is confident that, without these various campaigns, the problem of drug abuse would have been worse than it is.

Drug education in schools

144. Drug education is an integral part of the school curriculum. Teachers provide information on substance abuse and its effects. They seek to develop healthy and positive attitudes and to teach life skills such as handling peer pressure. The Hong Kong Government reinforces these messages through regular talks to secondary schools, technical institutes and to pupils in the final year of primary schooling. A total of 242 school talks were given in 1993 and 318 in 1994.

145. In 1994, the Hong Kong Government:

(a) Set up a working group to review the form and content of the talks to schools;

(b) Organized training workshops for secondary school teachers to encourage them to make greater use of the drug education teaching kit which the Action Committee has developed for schools;

(c) Organized talks for parents with the cooperation of parent-teacher associations and principals of secondary schools;

(d) Issued "Guidelines for Secondary Schools on the Handling of Drug-Abuse Cases". These describe the signs that indicate drug addiction and prescribe measures for dealing with problems in schools. They also describe the resources and support available to schools;

(e) Organized a series of radio shows to spread anti-drug messages to students during the summer vacation.

Working Group on Services for Youth at Risk

146. The Working Group on Services for Youth at Risk, which was formed under the aegis of the Coordinating Committee for the Welfare of Children and Youth at Risk (see para. 135 above, under art. 10 of the Covenant), has concluded a study, from the social welfare perspective, of the illicit use of drugs among young people. It has made several recommendations for consideration by the Coordinating Committee and by the Action Committee. So far the Working Group has:

(a) Completed a survey of self-funded voluntary treatment and rehabilitation programmes for young drug abusers;

(b) Collaborated with government departments and other parties to combat the problem of drug abuse by young people at the district level;

(c) Launched a series of training programmes to update the knowledge and skills of front-line social workers and other related professionals working with young drug abusers;

(d) Secured funds for the production of a video programme aimed at informing parents about drugs and how to handle the drug-abuse problems of young people. The video will be ready for distribution by the end of 1995.

Treatment and rehabilitation

147. Services are available from Government-funded programmes, including the voluntary out-patient methadone programme; the voluntary in-patient treatment programme run by the Society for the Aid and Rehabilitation of Drug Abusers (SARDA); and the counselling centre "PS33" run by the Hong Kong Christian Service. In 1994/95, the Hong Kong Government spent about $83 million on these programmes. Drug-dependent prisoners attend a compulsory placement programme. Several voluntary agencies also operate treatment programmes for young drug abusers and provide rehabilitation, after-care and counselling services to current and former drug addicts.

148. The Hong Kong Government supports voluntary agencies in various practical ways. These include assistance with accommodation; publicity for their services in government publications; regular meetings to exchange views and information; and help in obtaining grants from charities. There is also indirect subvention. For example, if an agency charges for board and lodging, its clients may claim the amount under the Comprehensive Social Security Assistance scheme.

149. SARDA plans to establish a new treatment centre for young opiate drug abusers, the number of whom is increasing. The Hong Kong Government will also establish two more residential treatment centres aimed at this group and one more out-patient counselling centre for psychotropic substance abusers. It has asked two long-established NGOs - Caritas and Hong Kong Christian Service - to operate these facilities. NGOs are indispensable partners in the fight against drugs. Their programmes complement those run by the Hong Kong Government, especially in treatment and rehabilitation.

150. With the help of the Hong Kong Council of Social Service (an NGO active in this field), the Hong Kong Government will conduct a research study to compare and evaluate existing treatment and rehabilitation programmes. Separately, the Hong Kong Government is evaluating the services provided by PS33, an NGO that runs a counselling centre for psychotropic substance abusers.

151. Residents of particular districts and their representatives have periodically expressed concern about the location of methadone clinics in their neighbourhoods. They have also questioned the effectiveness of the out-patient methadone programme. The Hong Kong Government believes that the methadone treatment programme provides a readily accessible, legal, medically safe and effective alternative to illicit administration of opiate drugs by drug abusers. It reduces the demand for drugs and the harm which drug abusers cause the community.

152. The Hong Kong Government also believes that, for the programme to succeed, methadone must be accessible to patients. Therefore methadone clinics must be in convenient locations. Government departments take coordinated action to deal with the nuisances caused by people taking and selling drugs in the vicinity of some of the methadone clinics. Such action includes law enforcement, education and environmental improvement.

Measures undertaken by the police

153. The police:

(a) Target drug "black spots" frequented by young abusers;

(b) Collate intelligence and conduct raids against pharmacies and clinics suspected of illicitly supplying drugs;

(c) Help the school liaison network to identify drug problems in schools;

(d) Participate in open exhibitions to educate the public against drugs.

154. In 1987, the International Conference on Drug Abuse and Illicit Trafficking adopted a "Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control". This is a compendium of practical measures that Governments, intergovernmental organizations and NGOs can take to combat drug abuse and illicit trafficking. In Hong Kong, it remains the basic reference document for developing policies against drug abuse and illegal trafficking.

155. The Hong Kong Government considers that its existing multi-faceted approach - as described above - remains appropriate and should continue within the framework of the United Nations Outline. It will continue to seek and give effect to new initiatives to tackle the problem.

Vietnamese asylum seekers

156. This subject is discussed in detail in paragraphs 96 to 118 of the fourth periodic report in respect of Hong Kong under article 9 of the International Covenant on Civil and Political Rights (CCPR/C/95/Add.5). In view of the comments expressed by the Committee in its concluding observations on the second periodic report in respect of Hong Kong concerning articles 10 to 15 of the International Covenant on Economic, Social and Cultural Rights, those paragraphs are reproduced in annex 12 to the report. In its concluding observations, the Committee commented in particular on the education of children in the detention centres. This is discussed in paragraphs 322 to 324 below, under article 13 of the Covenant.

ARTICLE 11

Economic indicators on improvement of living standards

157. In the last 10 years, most persons in Hong Kong have seen their living standards steadily improve. At current market prices, per capita GDP in 1994 was about HK$ 168,100 (US$ 21,800), 60 per cent higher in real terms than in 1984. Median monthly household incomes were HK$ 4,498 in 1984 and HK$ 15,000 in 1994 (also at current prices). After discounting consumer price inflation over that period (about 116 per cent in terms of the composite consumer price index (CPI)), growth remained substantial in real terms. As an indication of increasing affluence, some 45 per cent of Hong Kong households owned their own homes in 1994, against 31 per cent in 1984. And the proportion of persons aged 15 and above with secondary or higher education also rose from 60 per cent in 1985 to 77 per cent in 1995.

Distribution and variation of household income in Hong Kong

158. Annex 13 to the present report, which is extracted from the 1991 population census, shows the distribution of household income over 10 classes or deciles. In 1991, households in the lowest income decile earned only 1.3 per cent of all household incomes while those in the highest income decile earned 37.3 per cent. The corresponding figures in 1981 were 1.4 per cent and 35.2 per cent respectively. These figures suggest that household income distribution became more diverse during the 1980s. However, the decile distribution technique fails to take into account the effect of upward mobility on income distribution. For example, households that fell in the lowest decile in 1981 may subsequently have moved up the social ladder, have earned higher incomes and therefore have moved into higher deciles by 1991. Their original positions in the lowest decile may have been taken by households newly arrived in Hong Kong or by households whose members had just entered the labour force. This is a natural part of the social and economic development process.

159. Annex 13 also indicates that, in 1991, the Gini coefficient 4/ for household income distribution was 0.476. This was slightly higher than in 1986 and 1981. But it indicates a degree of income disparity that is not particularly high by international standards. It is broadly comparable to Singapore and the United Kingdom, and not much above the United States and Australia. As with decile distribution, the Gini coefficient needs to be

treated with caution. Neither measure is capable of reflecting structural changes in the economy and the consequential transformation of occupational patterns. Hong Kong's economy was once dominated by the secondary (manufacturing) sector, which is now being superseded by the tertiary (service) sector. More people are working in professional, managerial and supervisory positions where pay levels have increased faster than those of blue-collar and clerical workers. Nevertheless, household incomes have increased markedly, even in the lower-income bracket, improving the standard of living across all sectors of society.

The median monthly household income

160. In annex 14 to the present report, median monthly income distribution is analysed under five classes or quintiles. Like the analyses in Annex 13, this shows that there has been increased diversity of income distribution over the last decade. At the same time, however, the actual median income increased significantly in each quintile. 5/ Between 1981 and 1986, the largest increase occurred in the bottom group, with a 97 per cent increase over the 5-year period. Between 1986 and 1991, the greatest increase occurred in the top group (up 106 per cent) and the smallest in the lowest group (up 71 per cent). Over the entire decade, all groups experienced substantial increases at rates well exceeding the corresponding inflation rate of 113 per cent.

161. Decile and quintile distribution analyses only indicate different trends in the diversity of income distribution among households. They take no account of the effects of taxation and social benefits that help to reduce income diversity. Nor does this form of analysis take account of intangible income received by the lower-income households in the form of increased government spending on housing, health and education. Those, too, do much to alleviate apparent income disparities, which, as stated above, are not especially great in international terms.

162. Economic growth is the primary means of generating income increases for the community. Hong Kong's continued economic growth has ensured that all income brackets have registered substantial gains in the past years. Over the past decade or so, new business and job opportunities have continued to open up in the course of economic growth and structural change. It is inevitable that individuals possessing the skills and capabilities in greatest demand will enjoy faster income growth than others. Experience elsewhere also suggests that increased income disparity often occurs when an economy is developing and restructuring rapidly.

163. The view has been expressed that persons from the lower social strata have only restricted access to opportunities for socio-economic improvement. The Hong Kong Government is anxious to ensure that, to the extent that any such restrictions may exist, they are removed. It has made substantial efforts to facilitate upward social mobility, notably by significantly expanding and subsidizing the education system, particularly the tertiary sector. It also provides training, retraining and job-matching programmes to enable workers to move between industries and occupations in line with the structural changes in the economy. It will continue to sustain these efforts and to ensure that those in need receive public assistance (see paras. 58 to 83 above).

Supply of food

164. The Hong Kong Government recognizes the right to freedom from hunger. Hong Kong is both an importer and primary producer of food and has been able to ensure an adequate supply of food for the whole community. The fact that the area of land available for agricultural use is limited has led to continuous research to ensure its most economical and productive utilization. The Hong Kong Government has undertaken to:

(a) Provide efficient, orderly and hygienic wholesale markets for fresh primary food products;

(b) Apply the minimum controls necessary to maintain supplies of imported staple foodstuffs. The principal control is to ensure that Hong Kong maintains a three-months' stock of rice. To that end, only merchants with the capacity to maintain such stocks may register as rice importers;

(c) Promote the development and productivity of such agriculture and fisheries as are economically viable and as contribute to Hong Kong's food supply;

(d) Implement legislation to control animal and plant diseases;

(e) Assist in the identification of alternative sources of supply in the event of shortages.

Agricultural production

165. The statistics for local agricultural production over the past two decades are set out in the following table:

Produce	1971	1981	1991	1994
Vegetables (tons)	183 000	176 000	105 000	89 000
Cultivated land for vegetables (hectares)	3 900	2 630	1 640	1 280
Pigs (Nos.)	632 480	797 030	313 420	185 560
Chicken (Nos.)	16 432 000	17 388 000	13 082 000	9 457 000

166. In the early 1980s, vegetable production started to drop significantly as agricultural land was increasingly given over to public works and the urbanization of the rural New Territories. The downward trend has since become less marked as the pace of development in the New Territories has slowed down and with the introduction of tighter planning controls over the use of agricultural land for other purposes.

167. Production of pigs and chickens decreased significantly in the early 1990s as smaller farms closed following the implementation of the

Hong Kong Government's livestock waste control scheme as a water pollution control measure. The situation is expected to stabilize in the near future since the remaining, larger, farms are economically more capable of coping with waste control requirements.

168. About 50 per cent of Hong Kong's arable land is currently idle. This is the result of several factors, particularly land speculation, land "frozen" by absentee landowners and - to a lesser extent - small, uneconomic land parcels resulting from land fragmentation. For these reasons, would-be farmers and farmers displaced by development are finding it difficult to work in the agriculture sector.

169. A further problem is that some agricultural landowners find it more profitable to let out land for storing containers and construction materials - or as work sites for scrap-breaking - than to farm it. Such abuses destroy the beauty of the rural environment and render nearby farms more susceptible to flooding.

170. To tackle these problems, the Hong Kong Government is extending the land-use control provisions of the Town Planning Ordinance to rural areas. It will also introduce statutory zoning to preserve prime agricultural land for farming.

171. The Hong Kong Government's agricultural land rehabilitation scheme helps to restore arable land to cultivation by assisting farmers to obtain land for crop-farming. Under this scheme, the Hong Kong Government "brokers" arrangements between landowners and potential tenant farmers and extends technical and credit support to help farmers to rehabilitate the land and market their crops. The Vegetable Marketing Organization, a body established by the Hong Kong Government, also participates in the scheme by leasing land direct from landowners for subletting to farmers. It also finances agricultural development projects, such as those encouraging the cultivation of premium vegetables, improving communal farm access and improving irrigation and drainage facilities. Since its inception in 1988, the scheme has helped to restore some 66 hectares of fallow land to cultivation. The Hong Kong Government plans to extend the scheme to another 100 hectares of fallow land over the next five years.

Fishing industry

172. The Hong Kong Government supports the development of the fishing industry in a number of ways: by undertaking applied and adaptive research; by designing and introducing new craft, gear and equipment; by providing technical, managerial and financial advice; and by assuming specific development responsibilities. It encourages the industry to modernize and to improve production techniques. It also promotes and regulates the orderly marketing of local fishery products. Vocational and technical training is provided for persons in the industry and in its ancillary sectors.

Wholesale markets

173. The Hong Kong Government's role in relation to wholesale markets is to administer and manage such markets for fresh primary food products. To this

end, it has built an integrated wholesale market complex on Hong Kong Island for imported vegetables, fruit, eggs, freshwater fish and poultry. The first phase of a similar complex in Kowloon was opened in December 1993. This caters for imported vegetables, eggs, freshwater fish and marine fish. Plans for a second phase, to accommodate new fruit and poultry markets, are well advanced.

Housing

The need

174. In early 1995 - when the most recent count was made - some 181,000 households were inadequately housed. These comprised 495,300 persons, who included persons living in squatter areas on government land; in temporary housing; in cottage areas; in non-self-contained flats; in roof-top structures; and in shared accommodation in the private sector. However, it is likely that some 60,000 of these households (178,000 persons) will not apply for public housing. Their reasons for not applying include a preference for their existing accommodation (often related to convenience of access to work or neighbourhood ties) and expected improvements in family earning power (i.e. being able to buy their own homes in the private sector). Thus, the real level of demand is likely to be about 121,000 households (or 338,000 persons).

Commitment to meeting the housing needs of the community

175. The Hong Kong Government is committed to meeting the housing needs of the community. One of the objectives of its long-term housing strategy (see para. 182 below) is to ensure that all households are adequately housed at a price or rent that they can afford. Over the past 10 years, the number of inadequately housed persons has fallen steadily. The Hong Kong Government will continue, through clearances, rehousing and construction programmes, to improve the living conditions of those who remain inadequately housed. It does not agree with those who believe that legislative means are necessary to achieve these aims. Taking a pragmatic view, the Hong Kong Government considers that its plan to construct some 310,000 public sector flats between 1995 and 2001 will go a long way towards solving the problem of inadequate housing.

176. In paragraph 39 of its concluding observations on the second periodic report in respect of Hong Kong concerning articles 10 to 15 of the Covenant, the Committee urged the Hong Kong Government to consider embodying the right to housing into domestic law. The Hong Kong Government has of course given this recommendation very serious consideration, but has concluded that further legislation of the kind envisaged is unnecessary. Hong Kong's Housing Ordinance has already established a housing authority to provide subsidized housing to those in need. The Ordinance is kept under regular review to ensure that it remains appropriate and adequate. The Hong Kong Government considers that the existing body of legislation relating to housing is adequate. Moreover, as stated in paragraph 175 above, there are currently practical plans for tackling the problem of inadequate housing which it is believed will largely solve that problem.

Number of residential units

177. In March 1995, there were 1,968,000 living quarters in Hong Kong. Of these, 884,000 (45 per cent) were public housing flats, 998,000 (51 per cent) private flats, and 86,000 (4 per cent) temporary structures. Together they provided housing for 1,759,000 households. 6/

Extent of demand for public housing

178. Over 3 million persons - about half the population - live in various types of assisted housing constructed by the Housing Authority (see paras. 184 and 185 below) and the Hong Kong Housing Society (see para. 186). Of these, 42 per cent live in 689,000 public rental flats, 10 per cent in 195,000 home ownership flats and 1 per cent in public temporary housing. This represents significant growth over the 1979-1980 figure of about 1.9 million people (42 per cent of the population). But, as stated above, there is still significant demand for adequate housing. This is mainly because the population increased by over 7 per cent during the last decade and Hong Kong families demand housing of ever-improving quality at prices they can afford. With scarce land - and rents and prices of flats in the private sector in Hong Kong are among the highest in the world - the aspirations of the lower-income groups for a better living environment must largely be met by the Hong Kong Government.

Coordinating housing policy

Role of the Housing Branch

179. In November 1994, the Hong Kong Government re-established a Housing Branch to develop policies and strategies for the provision of housing, both public and private, and to coordinate government action in the execution of housing policies and programmes. The aim is to provide an adequate supply of housing at affordable prices or rents to meet demand in the public and private sectors. To achieve this, the Branch monitors the performance of the residential property market and coordinates interdepartmental cooperation in the housing production process.

Action to increase flat production and land supply

180. To speed up land supply and the production of flats, an interdepartmental "housing project action team", chaired by the Secretary for Housing, monitors, facilitates and expedites the process of housing development in both the public and the private sectors. It is "fast-tracking" 24 projects, which will eventually produce some 48,000 flats. Another 19 sites for the production of about 61,000 flats are being closely monitored to ensure that the land is available on time and that the required infrastructure will be completed in phase with the population intake.

181. Additionally, the Branch will spend HK$ 8 billion over the next five years on infrastructure projects aimed at speeding up housing production. Several projects have been identified, ranging from site formation and water supply to highway improvement.

Long-term housing strategy

182. The long-term housing strategy is the basis of the Hong Kong Government's public housing policy. Its objectives are to provide quality public housing at reasonable rents for those who cannot afford any other type of housing and to encourage home ownership through the provision of subsidized housing or financial assistance.

183. The Hong Kong Government has made good progress in achieving these objectives. But it now needs to review the strategy in the light of recent social, economic and political changes and to assess Hong Kong's housing needs up to the year 2006. The review will consider factors that may affect housing demand in the short and long term, including the scale of legal immigration after 1997 and increased demand resulting from clearance programmes for squatters, temporary housing areas and cottage areas. It will also assess an appropriate and realistic split between public and private sector housing production and between public rental housing and subsidized flats for sale. As part of the review process, the Hong Kong Government will re-examine its policies on the redevelopment of public housing estates, improving land supply, and the production of flats. The review will begin in late 1995 and is expected to be completed by mid-1996.

Housing Authority

184. The Hong Kong Housing Authority, constituted in 1973, advises the Governor on matters relating to housing. Although it is financially autonomous, the Housing Ordinance requires the Authority to secure the Governor's approval for its programme proposals and its estimates of income and expenditure. The Authority is also required to ensure that revenue from its estates is sufficient to meet recurrent expenditure on those estates. It plans, constructs, manages and coordinates all aspects of public housing and associated amenities. It is also the Hong Kong Government's agent for land clearance and for the prevention and control of squatting. The Hong Kong Government provides funding support for the public housing programme and land for public housing on concessionary terms.

185. The Authority provides housing to half of Hong Kong's population. It manages approximately 700,000 rental units, 200,000 home ownership/private sector participation scheme units, 14,000 commercial units and 7,000 factory units. Budgeted income and expenditure for 1995/96 are $29.8 billion and $16.4 billion respectively.

Hong Kong Housing Society

186. The Hong Kong Housing Society is a non-profit-making organization set up in 1948 and incorporated by Ordinance in 1951. Its prime objective is to provide housing for specific low- and middle-income groups. The Hong Kong Government grants the Housing Society land at concessionary premiums and also low-interest loans to help it to meet specific housing objectives. Over the years, the Society has produced about 32,000 rental flats for low-income households and about 7,000 flats for sale. The Society acts as the Hong Kong Government's agent in implementing the "sandwich class housing scheme" (paras. 202 and 203 below).

Public housing

187. Between 1988-1989 and 1994-1995, the Housing Authority and the Housing Society together produced more than 336,000 flats. The current programme is to produce 310,000 flats between 1995 and 2001. In view of the changes in the social, economic and political environment, the Hong Kong Government has set up a working group to assess housing demand in both the public and the private sectors. Subject to the working group's findings - which will be a major input into the review described in paragraph 183 above - the Hong Kong Government will provide sufficient land to meet the confirmed demand for public housing.

Expenditure

188. In the last 30 years, the size of individual public housing flats has significantly increased in line with public demand for a higher standard of living. In 1973, the space allocation per person was 2.3 square metres. This was improved to 4.3 square metres in 1981 and to 5.5 square metres in 1991. Inevitably these increases have entailed higher construction costs. In 1995-1996, expenditure on constructing public housing totalled $10 billion. This compares with $2.9 billion in 1984-1985 and $93 million in 1974-1975, as illustrated below:

Year	Rental housing	Home ownership scheme	Total	Percentage of GDP at current market prices a/
	(in millions of Hong Kong dollars)			
1974/75	93	(started in 1978)	93	0.20
1984/85	2 338	6.8	2 946	1.15
1994/95	3 809	1 933	5 742	0.56
1995/96	4 000	6 000	10 000	0.87

Source: Director of Housing's quarterly reports and the annual survey of construction and real estate sectors.

a/ GDP is measured by calendar years. Here, the percentage shown is the percentage of the GDP figure for the first calendar year of the corresponding financial year. Thus, the $93 million spent in 1974/75 was 0.2 per cent of GDP ($46,900 million) in 1974.

Eligibility for public housing

189. Eligibility for the public housing waiting list is contingent on falling within prescribed income limits. These are reviewed annually on the basis of affordability. For example, the monthly income limit for a four-person family is currently HK$ 13,600. To qualify, applicants and their family members must have resided in Hong Kong for at least seven years and must not have owned any private domestic property within two years preceding application.

Waiting list for public housing

190. As at 31 July 1995, the nominal waiting list comprised nearly 150,000 applications. However, many of these applications were submitted by existing public housing tenants and some applicants were ineligible either because they exceeded the family income limit or because they did not meet the seven-year residency rule. So the real length of the waiting list is probably about 80,000 applications. A breakdown showing all the applications is set out in the following table:

Type of accommodation	No. of applications on waiting list	No. of flats allocated (1994-95)
One-person	23 000	1 600
Two-person	35 500	3 800
Three-person	39 200	4 000
Four-person	33 800	3 700
Five-person and above	17 300	2 200

Waiting time for public housing

191. The average waiting time ranges from two to seven years, depending on where applicants want to live. Waiting times are longest for the popular urban areas and shorter for the new towns where most new public housing is being built. Amenities in the new towns are generally better than in the urban areas, although applicants are often reluctant to move there. This reluctance to move has resulted in waiting times remaining longer than they need be.

Rent assistance provided to tenants of public housing

192. Although public housing rentals are generally low (about 20 per cent of equivalent private sector rent), public housing households whose rent-to-income ratio (RIR) exceeds 25 per cent are eligible for 25 per cent rent reduction, or 50 per cent rent reduction if RIR exceeds 33 per cent. However, those comprising elderly tenants and those with disabled family members can get a 25 per cent or 50 per cent rent reduction if their RIR exceeds 20 per cent or 25 per cent respectively. Since the introduction of the rent-assistance scheme in September 1992, a total of 703 applications have been received and 623 households have benefited from rent assistance.

193. Persons eligible for financial assistance under the comprehensive social security assistance scheme (see paras. 58 to 73 above) are entitled to a rent allowance. The amount is the actual rent paid or the maximum fixed under the scheme, whichever is the less. Currently, the maximum monthly rent allowances are HK$ 1,118 for single persons, HK$ 2,265 for families of two or three, HK$ 2,858 for families of four or five and HK$ 3,420 for families of six or more. These rates are revised from time to time. These maxima cover the actual rent paid for public housing units and for most private housing units.

The Housing Department may offer compassionate rehousing to long-term comprehensive social security assistance scheme clients living in private housing and paying rents higher than the appropriate maximum rent allowances. Clients offered compassionate rehousing can receive rent allowances above the normal maximum to cover actual rent paid while waiting for public housing units. Individuals and families in need of financial assistance (such as families where the breadwinner is out of work) can apply for comprehensive social security assistance scheme support.

Redevelopment of old estates

194. Under the comprehensive redevelopment programme, the Authority is redeveloping old estates with substandard facilities. Since 1972, 425 old public housing blocks have been demolished, thereby improving the living conditions of about 151,300 families. 7/ The remaining 185 blocks, affecting about 77,000 families, will be cleared by the year 2001. The old estates are mostly located in densely populated areas in the heart of the city. Residents are reluctant to move to other districts but it is often difficult to relocate them in the same locality. This hampers the pace of redevelopment. The Hong Kong Government is trying to encourage tenants to buy their own homes under the home ownership scheme or other subsidized schemes.

Facilities in new estates

195. The planning and design of public housing estates and their amenities have continuously improved. Estates built in recent years are self-contained: that is, they have their own ancillary facilities such as shops, market stalls, restaurants, schools, clinics, welfare centres, kindergartens, community halls and amenities areas. Facilities for elderly and disabled people and other special groups are also provided where possible. New block designs have been used in recent estate layouts to provide a better internal and external environment, with greater emphasis on quality and flexibility.

Organization of assemblies in housing estates

196. The Housing Authority and its staff deal with requests for assemblies in public housing estates in accordance with established guidelines. They do so impartially and do not, as has been alleged, "selectively prohibit activities by organizations unpopular with the Authority or management". The guidelines are as follows:

(a) The Authority supports local organizations holding community-building activities such as children's carnivals, festive celebrations, film shows, exhibitions and civic education programmes in public housing estates;

(b) Applicants are encouraged to hold functions jointly with local mutual aid committees and residents' associations;

(c) Activities should be held in locations that cause minimum disturbance or inconvenience to local residents. Activities that require audiovisual equipment or crowd control should take place in indoor venues such as community halls.

Estate management

197. Recently, estate management advisory committees have been set up in a number of estates to involve tenants in estate management matters. These will cover all public housing estates by 1997. The quality of estate management will also be improved by gradual privatization.

Assisted home-purchase schemes

Home ownership scheme and private sector participation scheme: pricing and eligibility criteria

198. The Hong Kong Government introduced the home ownership scheme in 1978 to enable lower-income families to own their homes. In 1979, it introduced the complementary private sector participation scheme. Under these schemes, flats are sold to eligible families, with the aim of ensuring that most of the flats on offer are affordable by the families in the target income groups. Prices are determined by applying a discount factor to market value. The normal guideline discount is 30 per cent: that is, the flats are normally sold at 70 per cent of their current open-market value. But the rate may be adjusted, particularly during times of significant movements in private sector residential property prices. The guiding principle is that prices must be at a level that eligible purchasers can afford. Recently, when market prices were high, flats covered by these two schemes sold at a discount of 48 per cent as against market value: the families at whom they were targeted would otherwise have been unable to afford them.

199. Private sector applicants under these two schemes must not own domestic property (see para. 189 above) and must fall within the family income limit, (which was HK$ 25,000 (US$ 3,200) a month as at July 1995. Applicants and at least one other household member must be permanent residents and have resided in Hong Kong for seven years or more. Applicants who live in public rental housing or who are affected by redevelopment/clearance programmes are bound only by the seven years' residence rule.

200. About 200,000 households have benefited under the two schemes. The Hong Kong Government will build an additional 148,000 subsidized flats for sale before 2001. Eligible families can obtain concessionary mortgages at interest rates slightly below market rates and with repayment over 20 years. The effect of the two schemes has been to increase home ownership in the public sector from 5 per cent in 1982-1983 to 30 per cent in 1995. This is expected to rise to 40 per cent by the year 2001.

Home purchase loan scheme

201. The home purchase loan scheme was introduced in 1988. It provides interest-free loans to tenants and prospective tenants in rental estates to help them to buy flats in the private sector. Housing estate tenants who receive loans under the scheme must surrender their rental flats to the Authority. To make the scheme more attractive, the loan amount has been increased several times and the scheme has been extended to households in the private sector who are eligible for the home ownership scheme. Applicants may apply either for loans to cover downpayments, conveyance fees and stamp duty

or for mortgage subsidies for 48 months. In 1995, the maximum individual loan amount for an applicant not living in public rental housing is HK$ 400,000, to be repaid over 20 years. Those choosing the mortgage loan option receive HK$ 3,400 a month. The corresponding sums for public housing tenants are HK$ 600,000 and HK$ 5,100 respectively. Since the schemes began, some 9,600 loans and 480 mortgage subsidies have been taken up. This has helped to relieve pressure on the waiting list for public rental flats by releasing 5,140 public housing units for re-allocation.

"Sandwich class" housing scheme

202. "Sandwich class" families are those whose incomes exceed the upper limit of the home ownership scheme/private sector participation scheme but who cannot afford private sector flats. Currently, they comprise households with a monthly income of between HK$ 25,000 and HK$ 50,000. Their plight has been a matter of public concern. Accordingly, in 1993, the Hong Kong Government introduced the "Sandwich class" housing scheme, which comprises a main scheme and an interim loan scheme. Under the main scheme, the Hong Kong Government allocates land, at half of the full market value, to the Housing Society, which is responsible for implementing the scheme. The aim is to build 20,000 flats for sale to "sandwich class" families before the year 2000 and at prices they can afford. The first 1,024 such flats were sold earlier in 1995 and another 882 will be offered for sale in December of that year.

203. Under the interim loan scheme, the Hong Kong Government lends money at low interest to eligible "sandwich class" families who wish to acquire flats in the private sector. The amount of the loan is set at 25 per cent of the purchase price or $550,000, whichever is less. The scheme operates in phases, each involving a fixed monetary tranche for distribution to a predetermined number of beneficiaries. To date, there have been three phases. At the end of the third phase, some 2,600 households had benefited. The fourth phase, which commenced in September 1995, will cover 1,500 households.

Squatters

204. There are now about 228,000 persons living in squatter areas. About 33,500 live in the urban areas and, of these, some 5,500 live on government land. The Hong Kong Government is committed to offer rehousing to these 5,500 by 1996. The rest will not be rehoused unless the land they occupy is required for development or is situated near dangerous slopes. Nevertheless, as at 31 July 1995, some 28,000 persons (84 per cent of the total in urban areas) had been rehoused. The Hong Kong Government will examine its future policy in respect of the remaining squatters in the context of the long-term housing strategy review.

205. The Hong Kong Government has made a commitment that nobody will be rendered homeless as a result of squatter clearances. Persons affected by clearances are offered rehousing in public rental estates or temporary housing areas according to their eligibility. For a squatter household to qualify for public rental housing, the building it occupies must have been registered during a survey of such structures conducted in 1982; the occupants must have been covered in a survey of squatter occupancy undertaken in 1984-1985; the

majority of family members must have been living in Hong Kong for seven years or more; and occupants must not have owned domestic property for two years before clearance.

Squatter control

206. Every year, the Hong Kong Government demolishes about 3,000 illegal structures. The aim is to contain the problem in the long term by preventing the growth of new squatter areas or the spread of existing ones.

Enforcement action on illegal structures

207. Most rooftop structures are illegal. But the sheer number of them makes universal enforcement (clearance) impractical in the short term. The Hong Kong Government's policy is to ensure the safety of people living in these structures and that of the general public. With that in view, it takes enforcement action according to a scheme of priorities. Priority targets are unauthorized structures which:

(a) Cover the roofs of single-staircase buildings. This is because, if a fire occurs and enters the staircase, residents above the fire would need to use that single staircase and take refuge on the roof pending rescue. Rooftop structures can block access to the roof, trapping people trying to reach safety there;

(b) Are unstable and in dangerous or dilapidated condition;

(c) Cause the structural members of the parent building to become overloaded, causing danger to life or property;

(d) Are being erected at the time of discovery.

The Hong Kong Government is considering conducting an aerial survey of rooftop structures to prevent further squatting. It has also asked the Law Society to discourage its members (Hong Kong's solicitors) from undertaking conveyancing work in relation to illegal rooftop structures.

208. The Hong Kong Government's policy is that no one should be rendered homeless by the clearance of rooftop structures. Persons who have been living in a particular structure since 1 June 1982 are offered public rental flats, provided that they meet other eligibility criteria. Others are offered temporary housing.

Temporary housing areas

209. Temporary housing areas provide accommodation for the homeless and for people who are affected by clearances, fires and natural disasters but who are ineligible for permanent public housing. Temporary housing consists of single- and two-storey structures with basic facilities. At the end of June 1995, there were 37 temporary housing areas housing 41,200 people.

210. In 1993, the Hong Kong Government initiated an accelerated clearance programme with a view to offering rehousing to the majority of the existing

temporary housing area residents by 1997. The programme also envisaged clearing all pre-1984 temporary housing areas by 1996. Steady progress has been made and 76 per cent of the 50,000 people living in temporary housing areas in 1992 have been offered rehousing. Eight of the 14 pre-1984 temporary housing areas have been cleared. The rest are under clearance.

211. Like most persons affected by clearances, temporary housing area residents usually insist on being rehoused locally. Their preferences are considered sympathetically, although it is often difficult to meet them because the supply of vacant flats in any particular area cannot be guaranteed to meet demand. The position is particularly difficult in the main urban areas, where public rental housing is in short supply. It is almost always necessary to rehouse urban temporary housing area residents in the urban fringe areas.

Street sleepers

212. In Hong Kong, as in most societies, there are persons who, for various reasons, fall through the social safety nets and end up living on the streets. This is not a matter of necessity. Government and voluntary organizations provide shelter and hostel services for street sleepers. These offer sleeping facilities, counselling, personal care, arrangements for long-term accommodation and referrals for various services and assistance. Estimates of the number of street sleepers vary. Government studies put the figure at 1,140. Some voluntary organizations consider it to be closer to 3,000. In either case, the number is low in comparison with many other major cities. The individuals themselves are mostly persons who have rejected society, often as a result of addiction to drugs, alcohol and/or other substances. About one sixth are suspected to be mentally ill. Help is available to them from government and voluntary agencies, but they are reluctant to seek or accept assistance.

213. The family services centres of the Social Welfare Department provide financial and material assistance, as well as counselling, for street sleepers. Outreach teams do what they can to help street sleepers with more serious difficulties, such as mental illness. NGOs also help by providing day relief centres, temporary shelters and hostels. Between January 1991 and July 1995, permanent housing was found for 720 street sleepers in public housing estates and hostels. Efforts continue to persuade the rest to accept accommodation.

Bedspace apartments

214. Bedspace apartments (sometimes referred to as "cage dwellings") are private dwellings that provide bedspaces for people who, for economic and other reasons, have chosen to live in basic accommodation. There are about 150 such apartments, accommodating about 3,200 lodgers. Most are located in old urban areas and have been in existence for many years. As rents in these apartments are generally low, it has been the practice for operators of these apartments to cram as many lodgers as possible within the space available. Living conditions are often overcrowded, with occupants exposed to high fire

and building-safety risks. The Committee expressed particular concern about these apartments in its comments on the second periodic report in respect of Hong Kong concerning articles 10 to 15 of the Covenant.

215. The Hong Kong Government shares this concern. But it recognizes that there is a demand, albeit not large, for low-cost accommodation of this type. Therefore, its policy is not to phase out or outlaw this type of accommodation, but to ensure, through legislation, that bedspace apartments do not endanger the lives of the persons living in them. Accordingly, the Bedspace Apartments Ordinance (enacted in 1994) prescribes fire and building-safety standards with which bedspace apartments must comply in order to be licensed for operation. Operators were given five months within which to register and an exemption period to carry out the improvements necessary to comply with the standards prescribed in the Ordinance. At the end of this period, in 1997, the Licensing Authority will inspect all bedspace apartments to ensure that they comply. Only those that do will be licensed for continued operation.

216. To comply with the licensing requirements, some operators of bedspace apartments may have to reduce the number of bedspaces provided in their premises. It is likely that about 1,600 lodgers (half the existing number) will have to be rehoused. The Hong Kong Government is committed to ensuring that no one will be rendered homeless as a result of the implementation of the licensing scheme and has taken steps to ensure that alternative accommodation will be available to those affected. About 800 bedspace apartment lodgers have been rehoused in the last three years. The situation would have been better had more lodgers been willing to accept rehousing in districts which, while perhaps less convenient than the ones they live in, provide a better environment. Unfortunately, they often prefer to remain in the central areas despite the relatively poor conditions. Nevertheless, the Hong Kong Government will vigorously pursue its efforts to rehouse these people.

217. The Hong Kong Government intends to provide decent accommodation for all "bedspace lodgers" by 1997. As a step towards that goal, elderly lodgers are being rehoused in welfare institutions or in public housing flats, depending on their needs and eligibility. The Social Welfare Department visits all bedspace apartments on a half-yearly basis to identify lodgers in need and to extend welfare services to them. Lodgers aged 58 and above may also apply for rehousing in pairs in public housing flats under the elderly persons priority scheme. This ensures rehousing within about two years from the date of registration if applicants do not insist on a particular location. Those aged below 60 may seek admission to the Hong Kong Government's singleton hostels, of which there are 21. These have a combined capacity of about 320 places. Action is in hand to increase the number of places in readiness for the full implementation of the licensing scheme.

Housing for single-parent families

218. Concern has been expressed about the plight of single-parent families affected by divorce. The Hong Kong Government's policy is to allocate public housing to those in genuine need on the recommendation of the Social Welfare Department. Moreover, the Housing Authority responds flexibly and sympathetically to families living in public rental flats that break up

following divorce. It usually favours the tenancy continuing in the name of the party with the custody of the children, but it gives due consideration to the financial situation of both partners. If custody is divided between the parties, or the tenancy operates for the benefit of other extended family relatives, the Authority houses them separately to avoid creating undue hardship.

Housing for the elderly

219. Some 370,000 people aged 60 or more live in public rental estates. This represents almost half of Hong Kong's elderly population. Each year, the number of elderly people living in rental estates increases by an average of 5 per cent. By contrast, the population growth rate for Hong Kong as a whole is 2 per cent a year.

220. Currently, 10,200 of the 150,000 applicants on the general waiting list for public housing are single elderly persons. About 3,780 others are elderly persons with families. Surveys indicate that some 27,000 households, comprising one or two elderly persons, are eligible for public rental housing but instead choose to rent private sector accommodation. Because such accommodation is often of a poor standard, the Hong Kong Government is encouraging more of these persons to apply for public rental housing and so improve their living conditions.

Preferential housing schemes for the elderly

221. The Housing Authority's policy is to encourage families to live with and take care of their elderly members. The underlying premise is that older persons are happiest in their own home in the company of their families, and their families are best placed to care for them. In pursuance of this policy, various preferential allocation schemes are available for families with elderly members. One is the families with elderly priority scheme, which was introduced in 1982. Under this scheme, from which about 8,000 families have benefited, households with members aged 60 or above wait three years less for housing than ordinary applicants (i.e. four years on average instead of seven). Another scheme is the elderly persons priority scheme, which was introduced in 1979. This enables households with two elderly persons to obtain flats within about two years. So far, over 12,000 such households have benefited from this scheme.

Types of accommodation for the elderly

222. Two types of accommodation have been specially designed for the elderly. The housing for senior citizens scheme provides flats with shared kitchen and toilet facilities and emergency alarms. Housing Authority staff provide a warden service. There are 18 such developments housing 2,500 single persons. But there is keen demand for this type of accommodation and the Hong Kong Government will provide a further 8,100 places in the six-year period from 1995/96 to 2000/01. The other type of special accommodation consists of small flats in rental estates. These are purpose-built self-contained flats, ranging in size from 12 to 20 square metres. The Hong Kong Government also intends increasing the supply of these flats to meet the needs of the rising population of elderly persons. As at 31 July 1995, about 27,000 elderly

persons were within the income limits for public rental housing. The Hong Kong Government's target is to provide decent homes for this target group over the next six years.

Cooperation with the social services in housing for the elderly

223. The Housing Authority reserves premises in rental estates for welfare agencies to run social services such as services to the elderly. In 1990, the Authority introduced the estate liaison officer scheme, under which housing staff were deployed to promote mutual help and to foster community care among elderly tenants in public rental estates. The scheme now operates widely in the older estates where there are concentrations of elderly persons.

Private housing

Number of flats produced by the private sector

224. In the five-year period ending 1994, the private sector produced an average of 30,170 flats per year. It is estimated that about 26,200 and 27,300 units will be ready for occupation in 1995 and 1996 respectively. Government projections indicate that the private sector should be able to produce some 195,000 residential flats in the next six years.

225. About 72 per cent of private housing is owner-occupied. Most of the remaining 28 per cent is rented out and is subject to the provisions of the Landlord and Tenant (Consolidation) Ordinance. This gives tenants security of tenure and permits landlords to exercise their right of repossession only on certain prescribed grounds. These include the need to repossess premises for occupation by the landlords themselves or by their close family members. Another ground of repossession is for rebuilding. Tenants are protected from unlawful eviction and harassment. Persons convicted of harassment or unlawful eviction are subject to a maximum fine of HK$ 500,000 and imprisonment for 12 months on any subsequent conviction.

226. A landlord who obtains an order for repossession to enable him to occupy the premises himself or for rebuilding cannot sell or let the premises within 24 months of the date of the order without the consent of the Lands Tribunal. 8/ In addition to other penalties, the Tribunal may order persons in breach of this provision to pay compensation to former tenants. Moreover, when approving an application for repossession for rebuilding, it may require the landlord to pay his tenant an amount equivalent to 1.7 times the rateable value of the premises. This is to help tenants to cover the cost of moving.

227. A review is in progress with a view to improving the general operation of the Ordinance, simplifying tenancy renewal procedures, and increasing the penalties for unlawful eviction and harassment of tenants. The Hong Kong Government expects to complete the review by mid-1996.

228. The Hong Kong Government introduced rent controls over pre- and post-war domestic premises many years ago when the supply of accommodation was scarce. But it was generally recognized that rent control breached the principle of a free market economy and should be removed when circumstances allowed. In 1993, after assessing the social consequences of removing rent control and

taking into account the interests of both landlords and tenants, the Hong Kong Government decided to phase out rent controls by the end of 1996 by allowing controlled rents to increase progressively to the prevailing market level.

229. The number of controlled premises is diminishing with redevelopment. In 1994, only 26,500 post-war and 800 pre-war flats were subject to rent control. The approximate number of persons affected was 120,000. These tenants, on average were paying about 23 per cent of their household income as rent, compared with the 29 per cent being paid by persons renting uncontrolled premises. The Hong Kong Government considers that the phasing out of rent control will not cause undue hardship. A survey conducted in 1994 demonstrated that, by 1997, the average rental for controlled premises would be just HK$ 500 a month less than that for uncontrolled ones. Nevertheless, the Hong Kong Government is closely monitoring the situation to ensure that the removal of controls does not create hardship.

230. Rentals of private housing increased steadily over the past decade, albeit at a rate slower than property prices. In the last five years, the average rentals for small-to-medium flats and for large flats rose by 9 per cent and 14 per cent per annum respectively. In 1994, the rental index for private domestic premises was 170 (against a 1989 base-year): an increase of about 215 per cent over the 1984 index. In the same period, the price index of private domestic premises increased by about 580 per cent, from 43 to 293.

Measures to curb property speculation and stabilize property prices

231. The average prices of small-to-medium flats (under 100 m^2) increased by 21 per cent per annum. Those for larger flats (over 100 m^2) increased by 26 per cent per annum. These increases reflect the extent of speculation in the property market.

232. In 1992, the banks and the Hong Kong Government introduced the following fiscal measures to curb this trend:

(a) The imposition of stamp duty on agreements for the sale and purchase of residential property. Before 1992, stamp duty was payable only on the assignment of property. The Stamp Duty (Amendment) Ordinance 1992 imposed stamp duty on all agreements for the sale and purchase of residential property. The effect of this is that, where two or more agreements are concluded in respect of the same property before assignment, each agreement attracts stamp duty. This significantly increases the cost to speculators who used to generate profits from long chains of sale and purchase agreements before actual assignment. Genuine home-buyers are not affected, except that they have to pay stamp duty slightly earlier than they would previously have had to do;

(b) The tracking down of speculative transactions chargeable to profits tax. Speculators often sought, previously, to maximize their profits by not disclosing their property dealings. Now, the Inland Revenue Department investigates all transactions where there is resale after assignment or where persons enter into sale and purchase agreements to acquire property and then resell before assignment. As a result, profits from these transactions that might not have been traced before are now traceable. This again reduces the incentive for speculation, as any profits would be subject to tax. Furthermore, new arrangements enable the authorities to examine a larger number of potential taxpayers at an earlier date. This in turn leads to earlier collection of tax on profits and is a further disincentive to speculation.

233. In 1994, in response to public concern about rapid increases in property prices, the Hong Kong Government set up a task force on land supply and property prices. At the same time, it introduced a package of measures to dampen property speculation, to increase housing and land supply, to strengthen consumer protection and to improve the administration of housing policy.

234. Also in 1994, because speculation in the sale of uncompleted flats was particularly rife, the Hong Kong Government introduced the following measures:

(a) Releasing more flats directly to home buyers by cutting the quota for private sales of uncompleted flats from 50 per cent to 10 per cent;

(b) Prohibiting the resale of uncompleted flats before assignment;

(c) Placing restrictions on forward sales to the effect that no sales could be made more than nine months before assignment;

(d) Increasing the initial deposit from 5 per cent of the purchase price to 10 per cent;

(e) Raising the amount of forfeiture from 3 per cent of the purchase price to 5 per cent, if the buyer failed to sign the sale and purchase agreement or entered into a cancellation agreement with the developer;

(f) Making redevelopment projects subject to building-covenant restrictions that specify completion dates.

235. As a result of these measures, speculative activities have subsided significantly and the property market has stabilized. As at 31 July 1995, the asking prices for newly completed flats had fallen by 20 to 45 per cent from the peak of April 1994, depending on location. The anti-speculation measures will remain in force and the Hong Kong Government will closely monitor the situation.

Introduction of a regulatory system for estate agents

236. The better to protect home buyers, the Hong Kong Government will introduce a bill into the Legislative Council in late 1995, proposing measures to regulate the operation of estate agents. It will also establish an Estate Agents Authority to license and regulate the trade and to safeguard the interests of consumers.

Urban renewal

237. The Land Development Corporation Ordinance provides for the establishment of the Land Development Corporation. This is a statutory corporation whose purpose is to undertake urban renewal schemes. As at 31 March 1994, some 1,434 families (3,540 persons) had been affected by urban renewal schemes undertaken by the Corporation. Under existing arrangements, the various types of persons affected by urban renewal schemes are normally entitled to be compensated in the following ways:

(a) Residential property owners. These are entitled to receive the value of their properties. This is negotiated between the developers and the owners in private redevelopment projects. In cases of resumption, (i.e. compulsory acquisition by the Hong Kong Government), the Government pays the market value of the property plus a home-purchase allowance to enable the owners to buy replacement flats in a similar locality. Removal allowances are also payable to owner-occupiers. Owners affected by Land Development Corporation schemes are offered compensation on the same basis as in government resumption cases. As an alternative to cash compensation, owners have the option of participating in the risks and rewards of the project or, in certain instances, many choose a flat-for-flat exchange;

(b) Shop owners and operators. In private redevelopment projects, compensation is a matter for negotiation between the developers and owners. In cases of government resumption, owners receive the market value of the premises and operators are compensated for business losses. Owners affected by Land Development Corporation schemes are offered the open market value of their shops plus an ex gratia allowance to compensate for business loss. They also have the option of participating in the risks and rewards of the project;

(c) Domestic tenants affected by private sector redevelopment. These have a statutory right, under the Landlord and Tenant (Consolidation) Ordinance, to claim compensation 1.7 times the current rateable value of the premises. Domestic tenants affected by government resumption receive suitable rehousing or cash compensation in addition to a removal allowance. Tenants affected by Land Development Corporation schemes are offered permanent rehousing or cash compensation that is substantially higher than the statutory compensation payable under the Landlord and Tenant (Consolidation) Ordinance.

238. Disputes over compensation can be referred to the Lands Tribunal.

Resumption of private land

239. The Crown Lands Resumption Ordinance enables the Hong Kong Government compulsorily to acquire any land for a public purpose. Sections 10 to 12 of the Ordinance prescribe the principles and rules for determining compensation. In essence, compensation, if any, is payable by reference to the open market value of the land and/or any buildings on it at the date of resumption. At the same time, account must be taken of the nature and condition of the property, of easements or other rights resumed, of loss or damage due to severance, of loss to a business due to removal, of expenses reasonably incurred in moving and of the cost of employing professional services in connection with the resumption. No account is taken of the fact that

resumption is compulsory or of any use that has been made of the property inconsistent with the terms of the Crown Lease or of any expectancy in respect of the renewal or continuance, etc. of the lease, other than a renewal or continuance that would have been granted as of right if there had been no resumption.

Town planning

240. In Hong Kong, land use planning is carried out at three levels: territorial, subregional and local/district. Plans prepared at the territorial and subregional levels are conceptual and are primarily concerned with broad development strategies. Public consultation on these plans is not a statutory requirement. For this reason the procedures have been criticized as undemocratic and unjust. In practice, however, the Hong Kong Government does consult the relevant district boards, advisory committees and/or community organizations. At the district level, there is a statutory requirement for plans to be prepared by the Town Planning Board. The Board then consults the district boards, whose members are elected by universal suffrage. The Town Planning Board carefully considers the comments of the district boards and, where appropriate, amends its draft plans to incorporate their views.

241. By law, draft plans must be exhibited for public inspection. This requirement is laid down in the Town Planning Ordinance, which also stipulates a minimum inspection period of two months for new plans and two to three weeks for amended plans previously exhibited. Plans are exhibited in the offices of the Hong Kong Government's Planning Department and relevant district offices. The public is informed of the existence of these plans - and of where they can inspect them - by notices in the Government Gazette, in selected newspapers and through press releases. During the exhibition period, persons affected by the plans may submit written objections to the Town Planning Board. They may attend hearings and appear before the Board to explain their objections. In considering objections, the Town Planning Board may amend its plans, either to meet the objections or in some other way. After considering all objections, the Board submits the plans, together with reasons for its decisions and details of objections not withdrawn, for approval by the Governor-in-Council.

242. Public opinion in respect of non-statutory local/district plans is gauged by the relevant district offices. Again, it is the Hong Kong Government's practice to consult the relevant District Boards before approving such plans.

New towns

243. New town development began in the mid-1960s to relieve the pressures on the central urban areas by providing new homes and it was hoped, jobs in the New Territories. As a result of the new town development programme, the population of the New Territories rose from 1.8 million in 1985 to about 2.6 million in 1994. The new towns provide high standards of housing, community facilities, transport, employment opportunities and landscaping. In most respects, they provide a far more attractive living environment than the older urban areas. The Hong Kong Government is now carrying out planning and

development work in nine new towns and in several rural townships. The aim is to accommodate a further 300,000 people, bringing the total New Territories population to 2.9 million people by the year 2000.

244. New towns are planned on the principles of self-containment and balanced development. When devising the master plan of a new town, the Hong Kong Government consider such factors as population, housing mix, employment opportunities, transportation needs, infrastructure and community facilities. All such facilities are provided in accordance with the Hong Kong planning standards and guidelines. Master plans are subject to a public consultation process that includes reference to the district boards for advice on particular facilities. Development programmes aim to ensure that each new town develops in a balanced way at each phase of population build-up.

245. Thus the Hong Kong Government aims to achieve adequate provision of transport, infrastructure and other facilities. Nevertheless, it has occasionally encountered problems and mismatches. This is not, as some commentators have alleged, due to inadequate planning, lack of consultation or coordination. Rather, the problems have arisen from such things as an unforeseen demographic change, which left some new towns temporarily short of school places, and unforeseen changes in the structure of Hong Kong's economy. For example, instead of working in the industrial estates planned for the new towns, most working residents now commute to service sector jobs in the central urban areas. This overloads the designed limits of the intracity road network, particularly in the north-west New Territories. These suffer heavy traffic problems both because of commuting that is heavier than had been expected and because of the rapid growth of cross-border traffic and expansion of the port. These phenomena in turn are the result of the economic development of the Pearl river delta on a scale and at a speed that were unforeseen and unforeseeable.

246. For these reasons, the master plan and development programmes are subject to constant review to take account of changing circumstances and needs of the community. The Hong Kong Government, in consultation with the public, will continue to refine the new town programme to secure the desired match between the provision of infrastructure and facilities and the population intake. In time, these measures should serve to reduce existing problems to tolerable levels.

Redevelopment of the inner urban areas

247. In 1991, the Hong Kong Government promulgated the "Metroplan", which proposed strategies for restructuring the urban areas and improving living conditions by thinning out congested areas. With these objectives, the plan is to maintain the population of the urban areas at about 4.2 million up to the year 2011.

Supply of land

248. Annex III to the 1984 Sino-British Joint Declaration limits the grant of new leases of land to a total of 50 hectares a year from the entry into force of the Joint Declaration (27 May 1985) until 30 June 1997. This does not apply to land granted to the Housing Authority for public rental housing. The

annex also provides for the establishment of a land commission to consider, inter alia, proposals for increasing this limit, which is, potentially, a significant development constraint.

249. The Hong Kong Government's priority is to make available sufficient land for new residential accommodation in order to meet the ever increasing demand. The Hong Kong Government cannot achieve this alone, and so it does what it can to encourage private sector developments. In the five-year period ending 1993, the private sector produced an average of about 30,600 flats per year. Most were small- or medium-size units of 100 square metres or less. To help to sustain this level of production, the Hong Kong Government has increased its own resources with a view to speeding up the processing of lease modifications and land exchanges.

Succession of landed properties in the New Territories

250. Sections 13 and 17 of the New Territories Ordinance used to provide that, except for those lots for which exemption had been expressly granted, New Territories land under individual ownership was inherited according to the Chinese customary law of succession. In practice, that entailed succession along the male line. The surviving widows and daughters of the deceased were maintained by the male successors as part of this tradition.

251. In June 1994, the New Territories Land (Exemption) Ordinance removed the bar against women inheriting land and buildings in the New Territories. Its effect was to exempt non-rural land in the New Territories, retrospectively from the date of the relevant land grant, from the application of the New Territories Ordinance. It had similar implications for inheritance to rural land, except that the effect was not retrospective. Thus Chinese customary law no longer applies to these lands. Women may now inherit land and buildings in the New Territories just as they do in the urban areas.

New Territories small-house policy

252. The New Territories small-house policy was introduced in the early 1970s. It addressed problems concerning the standard of rural housing and also the genuine concerns of the New Territories indigenous community that increasing urbanization would lead to their village lifestyle being swamped or marginalized. Those concerns remain valid today.

253. The small-house policy enables male indigenous villagers to apply for a licence to build a small house on their own agricultural land. Alternatively, they may apply for the grant, at concessionary premium, of sites on government land for the same purpose. In both cases, the villagers pay for the construction themselves. Villagers wishing to sell houses built on government land must pay the balance of the full market value premium. The restriction to male indigenous villagers reflects the traditions and customs of the indigenous communities, where heads of households were traditionally male and women moved away from their villages upon marriage.

254. Nevertheless, the Hong Kong Government is reviewing the policy, which predates the Sex Discrimination Ordinance (see paras. 6-13 above), in the

light of present-day circumstances. Pending the completion of that review, the Sex Discrimination Ordinance exempts the policy from the operation of its provisions.

ARTICLE 12

The right to health

Policy

255. The Hong Kong Government's policy is that no one should be prevented, for lack of means, from obtaining adequate medical treatment. To meet this commitment, it heavily subsidizes various health-care services. About 4.3 per cent of Hong Kong's GDP is spent on health care every year and 6 per cent when expenditure on infrastructure and support services are added. In 1993/94, the net amount (4.3 per cent) was fairly evenly divided between public (1.9 per cent) and private (2.4 per cent) expenditure. Some 69 per cent of the Department of Health's budget is spent on primary health care, which includes disease prevention, health promotion, curative care and rehabilitation. Public expenditure on health care in 1993/94, comprising 11.9 per cent of all public expenditure, was three times that in 1988/89 and had risen from HK$ 1,010 per capita to HK$ 3,120.

256. Hong Kong's health indices compare favourably with those of developed nations. This is attributable to the comprehensive range of promotive, preventive, curative and rehabilitative health-care services that the population receives.

257. The Hong Kong Government regularly submits information on the health situation in Hong Kong to the World Health Organization (WHO). The information is published in the WHO's country health information profile.

Reduction of stillbirths and infant mortality and the healthy development of children

258. The infant mortality rate has fallen from 11.8 per 1,000 live births in 1980 to 4.8 in 1994 (from 12.8 to 4.7 for males and from 10.7 to 5.0 for females). At the same time, life expectancy at birth has increased from 71.6 years for males and 77.9 years for females to 75.8 years and 81.2 years (provisional figures) respectively. These figures mean that Hong Kong's life expectancy levels are among the highest in the world. The differences between males and females are similar to those elsewhere. In 1994, the maternal mortality rate remained low at 0.11 per 1,000 births (0.01 per 1,000 before childbirth and 0.10 after). The whole population has access to safe drinking water and adequate excreta disposal facilities. It also has access to trained personnel for the treatment of common diseases and injuries, for the care of women during pregnancy and delivery and for child care. In 1994, 98 per cent of newborns were immunized against tuberculosis. By the age of one, over 82 per cent of children were immunized against poliomyelitis and diphtheria, pertussis and tetanus (DPT), and 79 per cent against measles, mumps and rubella (MMR). These levels were similar to those in the United States of America.

Control of communicable diseases

259. The major communicable diseases are largely under control. However, viral hepatitis and tuberculosis remain endemic to the local community. The problem of hepatitis A is attributable to the polluted marine environment and the Chinese culinary habit of eating shellfish raw or incompletely cooked. About 8-10 per cent of the population are hepatitis B carriers, one of the highest rates in the world. The government immunization programme offers protection to children against this virus, as well as tuberculosis and the other diseases listed in paragraph 258 above. This programme and the Hong Kong Government's surveillance and control system help to ensure that major epidemics are unlikely.

Prevention and control of HIV/AIDS

260. The prevention and control of HIV/AIDS commands high priority and the Hong Kong Government maintains a vigorous programme of prevention and control (see below). As at the end of December 1994, 520 cases of HIV infection had been reported to the Department of Health. Of these, 130 had developed AIDS. In 1993, the Hong Kong Government established a HK$ 350 million (US$ 45 million) AIDS trust fund to encourage and finance community-based educational projects and projects providing direct medical and support services to persons with HIV/AIDS.

261. In 1984, the Hong Kong Government set up an expert committee to look into the potential problems of AIDS and to develop a strategy to control the disease. In May of the following year, a scientific working group was established to supervise the surveillance of AIDS, and to establish guidelines for health-care professionals on preventing and managing HIV infection. Also in 1985, the Hong Kong Government established a counselling service for HIV-infected persons and for those at risk of infection. At the same time, the Hong Kong Red Cross Blood Transfusion Service started screening all donated blood to guard against HIV contamination. In the same year, safe heat-treated clotting factors became available for haemophiliacs and HIV antibody-testing became generally available.

262. The Hong Kong Government virus laboratory now conducts an average of 3,500 HIV tests each month on blood samples received from various sources. Its AIDS Unit provides counselling for clients; organizes support groups for patients; runs a specialist clinic for HIV-positive patients; operates AIDS hotlines for health-care professionals and members of the public; and organizes public education and publicity programmes with a strong emphasis on prevention and social implications. The interactive AIDS hotline receives an average of 12,000 calls each month. The Department of Health uses television advertisements and exhibitions to promote the campaign against AIDS and its staff regularly conduct talks in schools, workplaces, clinics and community centres. They also produce guidelines and teaching kits for schools in collaboration with the Education Department.

263. In 1990, the Hong Kong Government established the Advisory Council on AIDS to coordinate the many activities organized by the Government and by community organizations. The Council was recently restructured to meet changing circumstances. Its membership comprises a wide spectrum of the

community, including medical experts, community leaders and representatives of government departments and of voluntary agencies. In 1994, the Advisory Council published its "Strategies for AIDS prevention, care and control in Hong Kong", proposing strategic directions for the local programme. Community participation complements and supplements the Hong Kong Government's programmes. AIDS Concern and the Hong Kong AIDS Foundations, established in 1990 and 1991 respectively, are charitable NGOs that participate as part of the overall strategy to combat AIDS. These NGOs are working in areas like AIDS education, fostering positive attitudes towards HIV-infected people, providing emotional and practical support and volunteer training.

264. The health authorities in China and Hong Kong recognize the need to maintain vigilance over the possible spread of HIV in the region. To that end they have agreed to work together to improve surveillance, education and publicity and to exchange epidemiological information.

265. Much more needs to be done. The year 1994 marked further intensification of the campaign to combat AIDS. In December, the Hong Kong Government and the Lions Club International jointly launched the Hong Kong Community Charter on AIDS to promote AIDS awareness and encourage the adoption of non-discriminatory policies in the workplace. The Hong Kong Government is committed to implementing sustained AIDS publicity and education programmes.

Provision of services and facilities for disabled people

266. The 1992 Green Paper on Rehabilitation identified a shortfall of 3,930 residential places for persons with various disabilities and 3,760 more day-service places for mentally handicapped persons. The Hong Kong Government secured the necessary funding in 1992. The new residential facilities comprise half-way houses, long-stay care homes, hostels for the moderately and severely mentally handicapped and for the physically handicapped and homes for the aged blind. The additional day services for mentally handicapped people comprise an additional 1,650 places in day activity centres and 2,110 places in sheltered workshops. In its 1995 White Paper on Rehabilitation, the Hong Kong Government has set new targets and redeployed funds to meet the changing needs and circumstances of the various client groups. It will meet the revised targets by 1997, when there will be 3,676 day activity centre places, 7,542 residential places and 6,495 sheltered workshop places. These will fully meet the estimated demand.

Provision of rehabilitation services to pre-school disabled children

267. The Hong Kong Government currently provides 910 places for mildly disabled children in child-care centres. Planning forecasts indicate that there will be a shortfall of 67 such places in 1998-1999. The Hong Kong Government will seek the necessary funding to meet this.

268. According to a new planning formula adopted in 1994, there will be a shortfall of 1,027 places for moderate to severely disabled children - in various types of pre-school centres - by 1996-1997. To help to meet these shortfalls, the Hong Kong Government plans to provide 737 more places by 1998-1999 than in 1995-1996 and will continue to secure the necessary resources to meet the increased demand. And, as an interim measure, it has

provided 105 home-based training places for children on the waiting list. In 1994, a special training programme was introduced for autistic children. Currently, 66 children participate in the programme and the Hong Kong Government intends to extend it to 144 in 1998-1999.

Measures to counter discrimination against disabled people

269. The new Disability Discrimination Ordinance (see paras. 15-18 above) performs both a cautionary and an educational function. It declares the standards to which the Hong Kong Government believes a civilized community should adhere. But legislation on its own will not change long-held and deep-rooted perceptions and prejudices. Public education is also important. To that end, the Hong Kong Government will spend some HK$ 34 million between 1993 and 1997 to improve public education on integration.

270. The need for such education was clearly illustrated by separate - but similar - incidents that occurred in 1993-1994. Like other administrations, the Hong Kong Government considers that the rehabilitation of persons who have been mentally ill and the integration of mentally handicapped persons can be achieved only in the environments where those persons would normally live and work. In Hong Kong, that usually means urban estates. Accordingly, in 1992-1993, the Hong Kong Government set up, in two residential areas of Kowloon, rehabilitation centres for former mentally ill patients, a resource centre for parents with children with Down syndrome and a hostel for mentally handicapped persons. Some residents objected, fearing that the centres' clients would somehow harm them. They protested vigorously and some resorted to direct action by vandalizing the premises.

Medical care - general

271. Hong Kong has a comprehensive and highly subsidized public medical service that is available to all. But the Hong Kong Government has paid particular attention to the provision of child care and care for women of child-bearing age, the conventionally more vulnerable groups. ("Conventional" because, in the early days, maternal and child health centres were a response to high maternal and infant mortality rates.)

Primary health care

272. The Hong Kong Government follows the WHO approach to primary health care. Its services in this area comprise health education, family planning, maternal and child health, immunizations and the treatment and control of diseases. These services are delivered through a network of clinics and health centres. Primary medical care, in the form of medical consultation and dispensing services, is provided in 68 general out-patient clinics throughout the territory. Other health-care services include child assessment, immunization of school children and occupational health services.

273. In 1994, there were about 4.9 million attendances at government general out-patient clinics. There is one clinic for approximately 100,000 inhabitants. Usually, there are three medical doctors and five nurses at each clinic and the situation is closely monitored to ensure that the needs of the population are met.

Health care of women of child-bearing age and children up to five years of age

274. The Hong Kong Government's family health service provides a comprehensive range of services through its 46 maternal and child health centres. The Family Health Service's comprehensive observation service detects developmental abnormalities at an early stage to ensure early remedial treatment. It performs developmental screening tests at various key ages and refers children with suspected abnormalities to specialist clinics and child assessment centres for further assistance.

275. The five multidisciplinary child assessment centres serve children from birth to 11 years old. They provide comprehensive physical, psychological and social assessment. They also provide treatment, parental counselling and, where necessary, refer children for placement in government and voluntary institutions.

Primary health care

276. In 1991, the Hong Kong Government endorsed the recommendations of a working party on primary health care. These included improving the general out-patients clinics, establishing dedicated health centres for women and the elderly and developing a clinic information system. Three recommendations require further study. These are the establishment of a primary health-care authority, the reorganization of the Department of Health and the rationalization of fees and charges.

Women's health centres

277. The first women's health centre opened in May 1994. It provides health counselling and screening for women aged 45 and above. Screening includes gynaecological checks and simple laboratory tests such as pap smears. An annual fee of HK$ 285 (US$ 37) is charged for these services plus HK$ 205 (US$ 23) for mammograms. The centre also provides free education on healthy living and preventing cancer and osteoporosis. Two similar centres will be opened in the near future: one in Chai Wan (Hong Kong Island) in 1996 and another in Tuen Mun (western New Territories) in early 1997.

Health centres for the elderly

278. The first health centre specifically for the elderly opened in 1994. It provides health counselling and screening for persons aged 65 and above. Physical testing is also provided. An annual fee of HK$ 220 (US$ 28) is charged for these services. This centre, too, provides free education on healthy living. The Hong Kong Government will open six more centres between 1995 and 1997.

Medical care for the elderly

279. In 1994, the Hong Kong Government spent an estimated HK$ 235 million on primary (out-patient) medical care for persons aged 60 and above. It also spent some HK$ 3,214 million on in-patient treatment for persons aged 65 and above.

Residential services for the elderly

280. The Hong Kong Government considers the provision of care-and-attention places for the elderly to be a matter of priority. It calculates demand on the basis of a new planning ratio of 17 places per 1,000 persons aged 65 and over. The existing 7,697 places fall 2,301 places short of actual demand and the Hong Kong Government will meet this shortfall by 1996-1997. Additionally, some 4,000 persons are waiting for places in infirmaries and the position is expected to worsen with the ageing of the population. To address this problem, the Hong Kong Government will open a network of six nursing homes, providing 1,400 beds, between 1995 and 1997. These will provide medical, nursing, social and rehabilitative support to an extent not currently available in existing infirmaries and care-and-attention homes.

Elderly care services for family caregivers

281. Family members who take care of elderly persons at home can obtain support from the home-help service and other community support services. The home-help service for elderly persons provides such things as general personal care, assistance in household chores and housekeeping tasks and escort services. Other community support services, such as social centres for the elderly, multi-service centres for the elderly and day-care centres for the elderly, provide a range of activities and care such as social and recreational activities, personal care, counselling, community education, meals and limited nursing care. The ultimate aim is to enable elderly persons to live with their families, and in the community, for as long as possible.

282. Further support to family caregivers is available in the form of temporary residential care for elderly persons in case of emergency. The Hong Kong Government has set up a holiday centre for the elderly in the countryside to enable them to take short holidays. This also gives caregivers themselves the opportunity to have a break. Volunteers provide caregivers occasional relief for a day or a weekend. The Hong Kong Government also provides counselling for caregivers at its family services centres.

Dental care

283. Curative dental health services are largely provided by the private sector. Government services are confined to emergency treatment, specialist treatment for patients in public hospitals, and dental care for prisoners. In 1993, the Hong Kong Government initiated a pilot scheme to provide curative dental care to patients with special needs. These included mentally and physically handicapped persons, patients with congenital deformities and patients who have undergone maxillo-facial operations. After evaluation in 1994, the trial, which was conducted in a hospital dental unit, was found to be successful. It is being continued and was extended to one more public hospital in mid-1995.

284. These areas aside, the Hong Kong Government's role is to secure the supply of trained personnel through its support for the territory's two dental schools and to promote public awareness of oral hygiene and oral health. Its efforts in this respect are strongly focused on primary-school children who have access to regular dental examinations, simple dental treatment and oral

health education through the subsidized School Dental Care Service. In 1994, 385,938 children participated in the scheme: some 81 per cent of the primary-school population. In 1993, the Hong Kong Government initiated a pilot scheme providing continued dental care for secondary school students. The pilot scheme's objectives are to provide relevant, high-quality dental care to secondary school students; to stimulate the development of regular dental care habits among the young population; and to offer affordable dental care under an organized payment system. The scheme will be evaluated in 1996.

Health education

285. The Central Health Education Unit of the Hong Kong Government plans, organizes, coordinates and promotes health education activities. Since many health risks are related to changing lifestyles (drug abuse, smoking, alcohol consumption, lack of exercise, unbalanced diet and sexual promiscuity), the unit's efforts are geared towards encouraging a healthy lifestyle.

286. The Oral Health Education Unit serves the whole community. Its main function is to conduct oral health campaigns and to provide oral health educational materials to the public, especially pre-school children.

Hospital services

287. The Hospital Authority manages all public hospitals. Under its statute, the Authority's functions are to advise the Hong Kong Government of the public's needs for hospital services and the resources required to meet those needs. It is also required to manage and develop hospital services in a way conducive to achieving greater efficiency, more public participation and better patient care. At the end of 1994, there were 7,670 medical doctors and 27,836 hospital beds.

288. In 1990, to meet rising demand in the New Territories as a result of the population growth in the new towns, the Hong Kong Government initiated a development programme to open seven new public hospitals, providing about 6,300 beds, by 1999. At the same time, existing hospitals are expanding their capacity by some 1,660 beds. Thus an additional 7,960 beds are expected to be available by the end of the century, bringing the total number to 29,634. This will improve the overall level of provision from 3.8 public hospital beds per 1,000 in 1991 to 4.9 per 1,000 in 2000. At the same time, the provisional regional level will improve from 4.83 per 1,000 to 4.94.

Problems faced

289. Hong Kong's population is ageing, medical costs are rising, and public expectations have risen with affluence. To meet these challenges, it will be necessary to reform the existing system by removing remediable flaws, rationalizing the financial structure of the public health services and improving the interface between the public and private sectors.

290. In 1993, the Hong Kong Government held territory-wide consultations on the proposals contained in the consultative document, "Towards Better Health". This offered five options for reforming the health-care financing system:

(a) Percentage subsidy approach. Hospital patients would be charged a percentage of the average operating cost for the type of hospital (acute/convalescent/psychiatric) they were in;

(b) Target group approach. Introducing a new class of semi-private rooms in public hospitals, itemizing charges for some services and targeting needy patient groups for automatic full or partial waiver of fees;

(c) Coordinated voluntary insurance approach. Private insurers would be encouraged to market plans whose content and coverage had been vetted by a control body, so as to provide more protection and transparency for purchasers;

(d) Compulsory comprehensive insurance approach. All households would be required to be covered by medical insurance, administered by a central body. Premiums would be paid by the Government and/or participants and/or employers;

(e) Prioritization of treatment approach. A package of "core" health-care services to be provided in the public sector and funded according to priorities agreed by the community.

291. Nearly 500 responses were received from individuals, health-care professionals, organizations, district boards and other sources. The consensus favoured semi-private rooms, target waiver groups and coordinated voluntary insurance. Accordingly, the Hong Kong Government decided to introduce semi-private rooms on a pilot basis to test market reaction and to formulate detailed plans for coordinated voluntary insurance. Since there were to be no immediate changes to the fee structure for hospital services, no changes were made to the current waiver system. 9/ For the longer term, the Hong Kong Government decided to consider further an appropriate level of cost recovery for public hospital beds. It did not proceed with the other approaches in the consultation document in view of the lack of community support.

Staff shortage in hospitals

292. The hospital expansion programme has left the Hospital Authority short of professional staff. The Authority estimates that it will need an average of 90 doctors, 500 nurses and 100 allied health staff each year to enable it to commission the new hospital facilities coming on stream. To meet these requirements, the Authority is strengthening its recruitment drives and employing more health-care assistants to relieve nurses from non-professional duties.

Services for the chronically ill

293. Services for the chronically ill are provided by the Hospital Authority. They include acute care, extended care, ambulatory care and community care. Rehabilitation and "shared care" programmes are being provided and developed

for patients with chronic illness such as chronic pulmonary diseases, cerebrovascular disease and diabetes mellitus. Eight "patients resources centres" provide support to chronically ill patients and their families. To improve the quality of medical services for the chronically ill, the Hong Kong Government has extended the renal dialysis programme to an additional 235 patients. It has also set up four diabetic-care centres. Between 1994 and 1999, it will extend hospice care to an additional 1,000 patients.

International cooperation

294. Hong Kong cooperates closely with WHO, the International Planned Parenthood Federation (IPPF), UNICEF and the World Bank. The territory draws on the experience of other countries to formulate policies and programmes that are suitable for local circumstances.

Environmental and industrial hygiene

Environmental protection strategy

295. The 1989 White Paper, "Pollution in Hong Kong - A Time to Act"; initiated a 10-year environmental protection strategy for achieving certain environmental aims by specific target dates. The strategy included a comprehensive legislative framework for controlling pollution. The strategy was reviewed in 1991 and 1993. The findings of the review were published in December 1993 under the title "A Green Challenge for the Community". This emphasized the importance of shared responsibility and community involvement in environmental protection efforts, a major theme of the Earth Summit agreements. The Hong Kong Government endorses the environmental objectives of those agreements and is considering how the concept of sustainability might be promoted in the community and applied to the planning and implementation of government policies and programmes.

Control of water pollution

296. In 1990, the Hong Kong Government amended the Water Pollution Control Ordinance to tighten controls over discharges and deposits within specified water-control zones. Controls are now in force in nine such zones and the Hong Kong Government proposes extending these to all territorial waters by 1996. Marine dumping was formerly controlled by a licensing scheme under United Kingdom legislation - the Dumping at Sea Act 1974 (Overseas Territories) Order 1975 - but that legislation was replaced by local legislation (Dumping at Sea Ordinance) in early 1995. Disposal is normally restricted to uncontaminated dredged spoil material. A comprehensive sewage strategy was adopted in 1988. It provided for stronger legislation to control effluent disposal, improving local sewage disposal through 16 regional sewerage master plans and a four-stage strategic scheme for sewage disposal. The aim was to process urban sewage in a central treatment plant before disposal via an oceanic outfall. Detailed design or construction works for all 16 sewerage master plans have started. Construction work on the first phase of the scheme started in April 1994. Thirteen out of 15 contracts for stage I works have been let and the remaining contracts will be let by late 1995. Stage II of the scheme is being discussed with the Chinese

authorities through the Sino-British Joint Liaison Group. Other transborder water pollution problems are being addressed through the Hong Kong Guongdong Environmental Protection Liaison Group.

Beach water quality

297. Notwithstanding the positive steps being taken to control pollution, significant problems remain. In 1994, 13 of the territory's 42 gazetted beaches failed to meet the statutory water quality objectives for bathing beaches. Four of them had to be closed. The problem is caused primarily by inadequate local sewerage and high background pollution. These pollution sources will largely be removed by the end of the decade when the sewerage schemes discussed above should be in place.

River water quality

298. Despite a slow but steady improvement over the past decade or so, many of Hong Kong's rivers remain severely polluted. The main source of pollution is livestock waste. Vigorous enforcement of the recently amended Waste Disposal Ordinance and Waste Disposal (Livestock Waste) Regulations should reduce pollution from this source substantially over the next few years.

Marine water quality

299. Marine water quality is generally acceptable except for Tolo Harbour, Victoria Harbour and Deep Bay. In Deep Bay the very poor water quality is due largely to livestock waste. In Victoria Harbour it is due to untreated commercial, industrial and domestic sewage. These conditions should improve greatly with the implementation of full controls over livestock waste and other polluting discharges and upon completion of the sewerage schemes described above. In the north-east New Territories, the Tolo harbour action plan is beginning to bring about improvements.

Disposal of solid wastes

300. The 1989 waste disposal plan proposed replacing existing urban landfills and incinerators with three strategic landfills in the New Territories, serviced by a network of refuse transfer stations. Three transfer stations are now in operation and more are in the planning or construction stage. The three strategic landfills are all operational.

Special wastes disposal

301. Special wastes include chemical, abattoir and medical wastes. A chemical-waste treatment centre was commissioned in early 1993 and regulations under the Waste Disposal Ordinance impose strict controls on the production, transport and disposal of chemical wastes. The Hong Kong Government is also planning a new centralized incineration facility to handle special wastes, including those from abattoirs and waste from medical facilities.

Waste reduction

302. To provide an economic incentive for reducing waste generation, the Hong Kong Government introduced charges for chemical waste treatment in March 1995 and is actively planning for the introduction of charges for disposal of waste at landfills. In 1994, the Hong Kong Government commissioned a consultant to study Hong Kong's waste generation, collection and recovery patterns and to identify new measures to promote waste reduction.

Control of air pollution

303. The Hong Kong Government continuously monitors air quality at nine sites in the territory. Measurements show that air quality in many parts of Hong Kong is reasonably good on a day-to-day basis. However, the chronic presence of respirable particulate matter in the more congested urban districts has consistently exceeded annual acceptable levels. This poses a threat to the health and well-being of the community and also reduces visibility. Air pollution in Hong Kong is caused by industry, construction activities and, in particular, vehicle emissions.

304. The major vehicle for control of air pollution is the Air Pollution Control Ordinance. Additionally, ozone-depleting substances are controlled under the Ozone Layer Protection Ordinance (which implements the requirements of the Montreal Protocol). 10/ In 1989, the territory was divided by statute into 10 air control zones. In 1990, the Air Pollution Control (Fuel Restriction) Regulations reduced the maximum permitted level of sulphur in industrial fuel oils from 2.5 per cent to 0.5 per cent. As a result, levels of sulphur dioxide in the air dropped sharply.

Control of motor vehicle emissions

305. Since 1991, the Hong Kong Government has sought to reduce vehicle emissions through rigorous legislative controls. The Road Traffic (Amendment) Ordinance, enacted in 1991, empowers the Government to set up centres for testing motor vehicle emissions; to call up vehicles for testing if they are suspected of having poor emissions; and to cancel the licences of vehicles if they fail the test or if the owners fail to appear for testing. To help to detect offenders, volunteer "spotters" report vehicles emitting noxious fumes. The Air Pollution Control (Vehicle Design Standards) (Emission) Regulations 1991 made it mandatory for petrol-driven vehicles, registered on or after 1 January 1992, to operate only on unleaded petrol. Such vehicles must meet stringent emission standards and must be fitted with catalytic converters. By early 1995, unleaded petrol accounted for 75 per cent of all petrol sales. The Air Pollution Control (Vehicle Design Standards) (Emission) Regulations were amended in April 1995 to introduce more stringent emission standards for different categories of petrol and diesel vehicles.

Control of emissions from diesel vehicles

306. As stated above, emissions from vehicles are a major cause of air pollution in Hong Kong and this is particularly true of those using diesel.

In 1993, the Environmental Pollution Advisory Committee 11/ endorsed a Vehicle Emission Control Strategy to tackle the problem. This included the following initiatives:

(a) To phase out all diesel vehicles under four tons within five years and to replace them with petrol vehicles, which are cleaner;

(b) To impose more stringent emission standards for large diesel vehicles for which petrol replacements are not readily available;

(c) To require regular vehicle emission inspection and maintenance and to step up enforcement;

(d) To explore new control technology including electric and alternative fuel vehicles, and transportation planning.

307. The Hong Kong Government is formulating detailed plans for implementing these proposals. In late 1995, it will consult the public and, in particular, the operators of vehicles such as taxis, public light buses, small buses, light goods vans and small trucks.

Control of sulphur content of automotive diesel

308. The Air Pollution Control (Motor Vehicle Fuel) Regulation, enacted in 1994, limits the sulphur content of automotive diesel to 0.2 per cent. Its provisions took effect on 1 April 1995. The Air Pollution Control (Vehicle Design Standards) (Emission) Regulations were revised in early 1995 to impose stringent emission standards on large diesel vehicles.

Control of other air pollution sources

309. In 1993, the Air Pollution Control Ordinance was amended to introduce new controls covering environmental asbestos and all air-polluting processes. It also removed the exemptions from licensing that were previously enjoyed by certain polluting industries and it prescribed procedures, standards and guidelines for issuing air-pollution abatement notices.

310. Under the new controls, owners of premises on which asbestos-containing materials are suspected to be present must engage registered asbestos consultants to prepare an investigation report. If, in the course of their investigations, the consultants discover such materials, the owners must submit an "asbestos abatement plan" to the Environmental Protection Department, whose approval is necessary before abatement works can proceed. The law also requires professionals, work supervisors, laboratories and companies involved in the use and handling of asbestos-containing materials to be registered.

The new regulations

311. Thirty-one industrial processes that have the potential to affect the environment adversely have been identified as specified processes. These include such industries as incineration, aluminium works, petrochemical processing and gas production. They are subject to licensing controls under

the Air Pollution Control Ordinance. The licensing control will be implemented in phases. In the current, initial, phase, only new plants are subject to control. Depending on the type of process, existing plants will be exempted from control for a period of one to four years to give the owners time to improve the quality of emissions.

Indoor air pollution

312. The Hong Kong Government has commissioned an 18-month consultancy study to assess the extent of the problem in the territory. This will commence in October 1995. The consultants have been instructed to identify cost-effective mitigation measures and to recommend action to reduce indoor air pollution and its risks to human health.

Control of noise pollution

313. The hectic pace of life in Hong Kong, with almost non-stop development and round-the-clock industrial and commercial activities, adversely affects many people. The Noise Control Ordinance, enacted in 1988, provides a comprehensive framework for controlling noise pollution. Particularly important are the controls it imposes on percussive piling during the daytime and the use of powered mechanical equipment at night, on Sundays and on public holidays. Percussive piling is restricted to three to five hours a day if sensitive uses are being carried on nearby. Noisy equipment cannot be used at night. Further controls were introduced in 1991 for hand-held percussive breakers and air compressors to reduce the disturbance from these particularly noisy machines. In 1995, the Hong Kong Government hopes to introduce subsidiary legislation imposing further and tighter controls over construction noise during sensitive hours. The conscientious planning efforts that have been made since the 1980s, together with new legislative controls, have considerably reduced the level of noise pollution that Hong Kong residents otherwise have had to live with.

Promotion of energy efficiency

314. In 1993, on the advice of the Energy Efficiency Advisory Committee, the Hong Kong Government launched an energy-efficiency campaign. It also issued notes advising occupiers of domestic households and commercial premises how to use energy more efficiently. In 1995, the Hong Kong Government introduced legislative controls limiting the maximum permissible heat transfer through the building envelopes of new commercial and hotel buildings. The Hong Kong Government is also developing energy codes for building services such as lighting and air-conditioning. Also in 1995, it invited manufacturers to join a voluntary energy-efficiency labelling scheme for household refrigerators. It plans to extend the scheme to other electrical appliances over the next two years.

Environmental education

315. The Hong Kong Government has increased its efforts to promote environmental awareness. In 1994, it established the statutory "Environment

and Conservation Fund" with an initial capital injection of $50 million. The Fund's purpose is to support education and research activities undertaken by community groups.

Environmental impact assessment

316. In 1991, the Hong Kong Government introduced measures to ensure that, in the process of development planning, the environmental implications of major development proposals were properly assessed. Proponents of major development projects are required to carry out environmental impact assessment studies and to incorporate environmental mitigation measures to minimize any adverse environmental impact. Environmental impact assessment reports prepared for the Government are available for public inspection. Legislation is being drafted to provide a statutory framework for the provision of environmental impact assessments for both government and private proposals.

Protecting workers from health hazards

317. The Occupational Health Division of the Labour Department works to maintain and improve workers' physical and mental well-being. It seeks to protect workers against job-related health hazards and helps them to adopt safe practices. The Division gives on-site health talks with employers and employees; it organizes exhibitions and seminars; and it publishes booklets and codes of practice on the prevention of occupational diseases. It also helps to reduce risks to workers by identifying, evaluating and controlling physical, chemical and biological hazards in the work environment. It also provides medical examination for persons working with radiation and for government employees who are exposed to occupational hazards such as compressed air, pesticides, asbestos, decompression sickness and the use of breathing apparatus. Annex 15 to the present report gives the statistics for the incidence of most forms of occupational diseases in the years 1984 and 1992 to 1994.

Safety in factories, construction sites and other industrial undertakings

318. The Labour Department's Factory Inspectorate Division is responsible for ensuring the safety and health of workers in factories, construction sites and other industrial undertakings. It does so through inspections, accident investigations, education, promotion and enforcement campaigns. It has set up special task forces to promote machine safety, fire prevention, construction safety and summer-job safety and encourages self-regulation to enhance safety awareness. It helps industry to establish safety committees, and assists management and workers to identify hazards at work and to devise safety programmes. In 1994, the Inspectorate made 72,888 inspections: 56,418 of factories or industrial undertakings and 16,470 of construction sites.

319. The Inspectorate encounters considerable difficulty in its efforts to promote industrial safety and to prevent accidents. Employers and workers are often indifferent to safety concerns and cut corners for the sake of speed. The complex subcontracting systems in the construction and shipbuilding industries add to the difficulties and the high mobility of industrial workers serves to negate the effectiveness of safety training. The statistics in Annex 16 to the present report, which show the number of occupational

accidents, of different kinds, in the years 1982 and 1992 to 1994, indicate that, while progress has been made in many areas, considerable further efforts are needed. In November 1994, the Hong Kong Government initiated a comprehensive review of industrial safety. In July 1995, it published the review's findings and recommendations for public consultation during the period up to the end of September 1995.

Pilot occupational health clinic

320. In 1993, the Labour Department opened a pilot occupational health clinic to integrate occupational health services and primary health care. The clinic provides a full range of services to workers in hazardous occupations. These include investigating occupational diseases, advice on preventing and controlling occupational hazards, health education, counselling services and treatment for occupational disease. The pilot scheme will be reviewed early in 1996, when the Hong Kong Government will assess the merits of expanding the clinic scheme in the light of experience gained.

ARTICLE 13

Access to education

321. The statutory framework and the administrative structure within which education in Hong Kong is conducted are consistent with the provisions of this article. So too are current policy objectives in the field of education. Access to education is not constrained on grounds of race, religion or language. Indicators of educational attainment in the population as a whole for the years 1981, 1986 and 1991 are set out in annex 17 to the present report.

Education of children of Vietnamese asylum seekers and of Chinese illegal immigrant children pending verification of residential status

322. Vietnamese asylum seekers who have been determined to be non-refugees live in detention centres. The Hong Kong Government provides all daily necessities such as food and shelter. Social and educational facilities are provided by the Office of the United Nations High Commissioner for Refugees (UNHCR) and by designated NGOs (see para. 324 below).

323. Vietnamese asylum seekers who have been determined to be refugees live in the open centre at Pillar Point, which is run by UNHCR. Daily necessities and social services, such as schooling, are provided by UNHCR and by designated NGOs.

324. Children of Vietnamese asylum seekers in detention centres receive pre-school education from the Catholic charity, CARITAS. International Social Services provides primary education. Similarly, UNHCR provides primary education to Vietnamese refugees at Pillar Point. 12/ But the education provided there is designed to prepare refugees for overseas resettlement. It is not geared to the needs of the 51 children who were among the 125 asylum seekers released from detention in November 1994. These children are not destined for overseas resettlement but will return to Viet Nam. Nevertheless, UNHCR has offered them the opportunity of joining its classes at Pillar Point.

Some have accepted. But it is understood that other parents, who are ethnic Chinese, have preferred to send their children to local private schools where they can receive tuition in the Chinese language.

Education of illegal immigrant children from China awaiting repatriation

325. Provided that they have at least one parent who is a Hong Kong permanent resident, illegal immigrant children aged between 6 and 15 may receive schooling at public expense pending the outcome of their appeals against removal from Hong Kong.

Human rights education in schools

326. The view has been expressed that civic education/human rights should be a discrete subject within the school curriculum. The Hong Kong Government does not share this view. As explained in the following paragraphs, human rights education is thoroughly integrated into the curriculum across a wide range of subjects within the primary and secondary curricula. Additionally, schools are encouraged to provide human rights education through the informal curriculum, for example, through extracurricular activities. The Hong Kong Government considers that this approach is adequate and effective.

Formal curriculum

327. At the primary level, human rights education forms part of the social studies curriculum under the fourth-year topic, "Our Government and us". From 1996, human rights will be part of the fifth-year general studies syllabus as a multidisciplinary subject, taught through a unit on "Communication between citizens and the Government". Social and cultural rights are also integral to social studies, health education and general studies. The emphasis is on accepting individual differences and developing respect for others, regardless of race, culture or religion.

328. At the secondary level, the development of the concept of human rights is a major theme of the history syllabus. The concept is also part of other curricula such as economic and public affairs, government and public affairs, social studies, liberal studies and ethics and religious studies. The guidelines on civil education in schools, now under revision, also promote respect for economic, social and cultural rights. The revised edition will place greater emphasis on raising students' awareness of human rights.

329. Students' knowledge of human rights is included in the Certificate of Education Examination, which students normally sit at the age of 16, as part of the syllabuses for history, economic and public affairs and government and public affairs. At the Advanced Level and Advanced Supplementary Level, normally taken at the age of 18, it is tested in the examination for liberal studies, ethics and religious studies and government and public affairs. Annex 18 to the present report provides details of the syllabuses incorporating human rights.

330. Various resources are available to support human rights education in schools. At the secondary level, these include teaching kits on education in human rights, rights and duties, and a video programme, "Born with human

rights". At the primary level, there is a set of teaching materials entitled "Understanding your rights and fulfilling your duties". A new kit for primary schools is under preparation.

Human rights education outside the schools

331. This is discussed in paragraphs 12, 16 and 17 of the fourth periodic report in respect of Hong Kong under the International Covenant on Civil and Political Rights (CCPR/C/95/Add.5). During the examination of the second periodic report in respect of Hong Kong concerning articles 10 to 15 of the present Covenant, the concern was expressed that there was insufficient participation in human rights seminars by members of Hong Kong's judiciary. This matter was specifically addressed in appendix 6 to document CCPR/C/95/Add.5 and, in view of the Committee's concerns, the text of that appendix is reproduced verbatim in annex 19 to the present report.

Education against discrimination: position in the schools

332. Topics concerning disabled persons are part of both primary and secondary syllabuses. From 1996, the new subject, "general studies" (see para. 327 above), will include topics on understanding the needs of disabled persons, rehabilitation services and positive attitudes towards the needy. Outside the formal curriculum, children participate in special programmes such as the "sister school scheme", under which ordinary schools are paired with special schools, and "pick your friend", which encourages able-bodied children to befriend disabled children. And the "opportunities for youth scheme" provides opportunities for young persons to assist the process of integration by working together on projects for disabled persons.

Educating the community against discrimination

333. Government departments and NGOs organize public education activities to inform the community of the rights and needs of disabled persons and the contribution they can make to society. Persons both with and without disabilities can participate in these activities.

334. The Committee on Public Education in Rehabilitation comprises government and non-governmental representatives. It is responsible for formulating, monitoring and coordinating annual programmes of public education on rehabilitation.

335. In 1993, the Committee took steps to improve the effectiveness of its work. It reviewed its strategy on public education and determined new directions in which it should be moving. It also established a system for monitoring and evaluating the effectiveness of its activities. In recognition of the fact that the parents of disabled children best understand the special needs of disabled persons, a representative from a parents' association was appointed to the Committee.

336. Spending on educating the public on issues relating to the rights of disabled persons has increased significantly. Some HK$ 34 million - including

HK$ 11 million from two charitable organizations - has been made available to strengthen such activities over the period 1993-1994 to 1996-1997. This has enabled the Committee to plan and initiate several major activities, including a "Rehabilitation Special", a "Mental Health Week", and an "International Day of Disabled Persons". Most participants considered that the events succeeded in spreading the message of integration and enhancing community acceptance of disabled persons. The Committee will continue to plan and organize such activities to reach the community at large.

Free and compulsory education

337. Except in a small number of schools for mainly English-speaking children, primary education became free in 1971. Attendance at schools for children aged 6 to 15 (i.e. normally to the third year of secondary education) became free and compulsory in 1979. The Education Ordinance empowers the Director of Education to enforce school attendance if children fail to attend school without reasonable excuse.

Secondary education

338. Free secondary education up to the third year ("Secondary 3") is available to all children who complete the primary course. Beyond that level, the Hong Kong Government's policy is to provide subsidized - but not free - Secondary 4 and 5 (years four and five) places for 85 per cent of the 15-year-old population: the corresponding figure in 1981 was 60 per cent and in 1986 was 70 per cent. During their two years at this level, students normally study for the Hong Kong Certificate of Education, which is equivalent, and similar in structure, to the United Kingdom's General Certificate of Education O-Level (Overseas) Examination. The Hong Kong Government also aims to provide craft places in technical institutes for 10 per cent of this age group.

Life education

339. Various aspects of life education, such as civic, sex and drug education, are integral to the social studies curriculum at the secondary level and to the general studies curriculum at the primary level. It has been suggested that subjects of this type should be taught as a discrete part of the curriculum. The Hong Kong Government disagrees. The curriculum itself is wide-ranging and is already overcrowded. In the Hong Kong Government's view, the "integral" approach is an effective way of teaching life education, as it allows students to learn about the issues from different perspectives.

340. Sixth and seventh year secondary schooling takes pupils to the Advanced Level examination, which is the matriculation examination for most first degree courses (see, however, paras. 352-354 below). The Hong Kong Government provides subsidized places at this level for one third of the pupils who entered subsidized Secondary 4 places two years earlier.

Level of subsidy at the senior secondary level

341. Fees are set at 18 per cent of the recurrent cost of educating students at this level. In other words, the level of Government subsidy is 82 per cent. In cash terms, this means that parents pay fees at the levels indicated in the following table:

Senior secondary class level	Standard school fees (In HK$ per pupil per school year and as a percentage of the cost of provision)					
	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96
S.4-S.5	1 600 (12%)	2 100 (14%)	2 550 (16%)	3 150 (18%)	3 500 (18%)	3 950 (18%)
S.6-S.7	2 150 (9%)	2 550 (10%)	3 300 (11%)	4 300 (13%)	5 550 (15%)	7 100 (18%)

Vocational training

342. The Vocational Training Council, a wholly Government-subsidized body, provides technical education and industrial training in its 2 technical colleges, 7 technical institutes, 24 industrial training centres and 3 skills centres. The technical colleges and technical institutes offer courses ranging from craft, certificate and diploma to higher certificate and higher diploma (ie, technician and higher technician) levels. The training centres provide basic skills-training and upgrading for craftsmen, technicians and technologists in industry. They also provide training for clerical, supervisory and managerial staff in the service sectors. In 1994/95, some 12,900 full-time and 44,700 part-time students attended technical college and technical institute courses. Also in 1994/95, some 45,800 trainees attended training centre courses, logging over 6 million training hours. The Council's total recurrent expenditure for that financial year was about HK$ 1.5 billion.

Opportunity for minorities to learn their mother tongue

343. The Hong Kong Government runs two primary schools and one secondary school that offer other languages to minorities. The normal medium of instruction is English, but other languages, such as Hindi, Urdu and French, are taught as subjects. The English Schools Foundation, whose five secondary and nine primary schools teach a curriculum based on the English State system, provides education for children whose mother tongue is English.

344. Additionally, private international schools offer various national curricula such as those of France, Germany, the Republic of Korea, Canada, Japan, Singapore, Australia and the United States. Many of these schools receive government assistance in the form of land grants and/or recurrent subsidies.

Higher education

345. Admission to public sector higher education is on merit. In 1989, the Hong Kong Government initiated an expansion programme. Its objective was to raise the rate of entry to first-year first degree study from 8 per cent of the relevant age group in 1989/90 to 18 per cent by 1994/95. This target was achieved on schedule. Additionally, about 6 per cent of the relevant age group enter subdegree programmes. As at December 1994, public sector higher education institutions, excluding the teacher training colleges, had a total full-time enrolment of 53,000. Part-time enrolment totalled 28,000.

346. Tertiary education has expanded rapidly in the last five years. In 1990/91, there were 8,575 first-year first degree places, sufficient for about 10.2 per cent of the 17-20 age group. In 1995/96, there were 14,500, covering over 18 per cent of the age group. This means that almost all the current year's qualified matriculants will be able to gain admission to undergraduate programmes.

Access of disabled students to tertiary education

347. The Hong Kong Government funds seven tertiary institutions through the University Grants Committee. They have autonomy in respect of their admission policies. All students compete for places on the basis of the ability to meet the academic criteria for entry into courses of higher education. The institutions adopt non-discriminatory policies in respect of the admission of disabled students. Once students are admitted and disabled ones identified, the institutions arrange counselling, special study and examination facilities and financial assistance where possible and appropriate. These are tailored to the needs of individual students having regard to their particular disability and their field of study.

348. The institutions recognize the importance of facilitating access for disabled students to tertiary education. They give as much assistance as possible to enable students to pursue studies once admitted.

Fees and financial assistance for students receiving higher education

349. Students pay about 14 per cent of the recurrent cost of their education. The Hong Kong Government's policy is that, by 1997/98, they should contribute up to 18 per cent of that cost. It set this target in 1991 on the basis of international comparisons. In so doing, it sought to balance what students and their families could reasonably be expected to pay for their education given the long-term benefits accruing to them as a result of it, and what the community should be asked to pay, by way of subsidy, for the economic and social benefits of a well educated population.

350. However, the Hong Kong Government's policy is also that no eligible student who has been offered a place should be denied access to tertiary education for lack of means. To ensure this, the Hong Kong Government provides grants and loans under its "local student finance scheme". Grants awarded under the scheme cover tuition fees, academic expenses and union fees.

Loans awarded under it cover living expenses, and are repayable, at 2.5 per cent interest, over the five years immediately following graduation. Most students receiving such support receive a grant-loan mix.

351. The level of financial assistance provided to successful applicants is determined by the financial circumstances of their families. In 1994/95, some 62 per cent of students in institutions covered by the scheme applied for assistance. Some 86 per cent of applicants were successful. Of those, 78 per cent received a grant element and nearly 85 per cent received a loan element. The average grant was HK$ 18,106 a year, representing nearly 64 per cent of the "notional maximum grant". 13/ The average loan was HK$ 21,379 a year, or 75 per cent of the maximum loan of HK$ 28,550 in 1994/95. Some 13.7 per cent of applicants received the maximum grant-loan mix in 1994/95.

Open learning

352. The Open Learning Institute was founded in 1989 to provide a second chance for persons who, for various reasons, had missed the opportunity of studying in conventional tertiary institutions. It also provided an opportunity for those wishing to study in their own time for personal interest and self-development. Courses at the Institute are "open" in the sense that, unlike what happens in the traditional institutions, there are no formal entry qualifications (though students must be literate and numerate). Teaching is by distance learning, with complementary face-to-face classes. Fees reflect the cost of delivery. Currently, fees average about HK$ 16,000 a year. Fees are charged per course unit. Most students take 20 units a year, this being half the rate expected of full-time students. The average fee is the cost of 20 units.

353. In establishing the Institute on the advice of the Education Commission, 14/ the Hong Kong Government was convinced that there was considerable demand within the working community for tertiary level study that would not require students to give up their jobs. This conviction has been vindicated, with over 18,000 students enroling in 1994/95 (16,800 for the 100 degree courses and 1,500 for the 29 sub-degree courses). The Institute also offers 120 short courses (including vocational upgrading for professionals such as nurses and teachers and evening classes in such subjects as languages and computing). These attracted over 3,000 students in 1994/95.

354. The Institute's first 161 graduates gained their degrees in 1993. A further 547 graduated in 1994.

Education of inmates in prisons

355. Young offenders aged between 12 and 14 attend general and vocational courses on a compulsory basis. Evening classes, self-study packages and correspondence courses are available to adult prisoners on a voluntary basis. The recently established Prisoners' Education Trust Fund assists and encourages adult prisoners to study for formal qualifications.

Adult education

356. The Education Department provides a three-year evening course for persons who have not received primary education, or whose primary education was curtailed. It covers general subjects at a level equivalent to the third to sixth years of the standard primary curriculum. The numbers of students and classes at the various levels in the last three years are shown in the following table:

Year / Level	1992/93		1993/94		1994/95	
	No. of classes	No. of students	No. of classes	No. of students	No. of classes	No. of students
Lower (Primary 3-4)	10	400	9	351	14	501
Middle (Primary 5)	10	375	10	366	11	354
Upper (Primary 6)	9	331	11	362	12	374
Mixed	4	157	4	149	4	117
Total	33	1 263	34	1 228	41	1 346
Primary students proceeding to secondary level courses	161 (49%)		136 (38%)		124 (33%)	

357. Basic literacy courses in Chinese are provided by voluntary bodies with financial assistance from the Hong Kong Government. Some private schools also run Chinese literacy classes.

Teachers

358. Teachers generally enjoy an attractive package of pay and benefits. Salaries are regarded as good, and teachers in Government or government-assisted schools have access to housing benefits (mortgage subsidy). The terms and conditions of teachers in private schools are a matter of private contract. There are numerous opportunities, both locally and overseas, for teachers to upgrade their professional qualifications. The Hong Kong Institute of Education is an autonomous tertiary institution formed by a merger of the former colleges of education and the Institute of Language in Education. It provides pre-service and in-service teacher education programmes. It also provides refresher training for non-graduate teachers from kindergartens, primary and secondary schools. The aim is to progress steadily towards an all-trained teaching profession. All teachers are encouraged to enhance their professional competence systematically and progressively throughout their career.

Special education

359. As far as possible, children with special needs are encouraged, and given appropriate support, to receive education in ordinary schools. Those with more complex needs, or whose disabilities are so severe that they cannot benefit from education in the mainstream, receive free and compulsory general education in special schools up to the junior secondary level. Children with physical or sensory impairment receive a minimum of nine years' education. Mentally handicapped children receive 10.

360. Beyond the junior secondary level, educational opportunities for disabled children take diverse forms. Those who are capable of pursuing academic studies have access to senior secondary education (secondary 4 and secondary 5) in ordinary or special schools depending on their needs. Those who are not academically inclined have access to vocational training. The arrangements for the access of disabled students to tertiary education are described more fully in paragraphs 347 and 348 above.

Disabled persons: accessibility of school buildings

361. All new schools planned for 1998 onwards will be made accessible to children with disabilities. The Hong Kong Government will also take steps to make existing schools more accessible where this is technically feasible and cost-effective.

362. Annex 20 to the present report sets out the recognized definitions of the various kinds of disabilities that are relevant in this field. Annex 21 to the report illustrates the demand for, and supply of, different types of special schools for disabled pupils in Hong Kong and the services they provide.

Vocational training and retraining of the disabled

363. The Vocational Training Council provides vocational training and retraining programmes and support services for disabled persons who are able to work in the open market. These programmes are conducted in skills centres directly run or supervised by the Council. All such programmes are regularly reviewed, upgraded and developed to meet changing demands in the job market.

364. The Council also offers:

(a) Short training courses for disabled adults to equip them with occupational skills in a wide range of trades. They are organized on a flexible modular basis to suit the specific needs of particular groups or individuals. The Council intends to offer more such training to meet growing demand;

(b) The Vocational Assessment Service takes a multi-disciplinary approach to assess whether a disabled person is suitable for open employment, vocational training, supported or sheltered employment. The process examines the individual's capability, interest, aptitude, attitude towards work, adaptation and social needs. This enables the Council to devise training programmes best suited to individual needs. The Vocational Training

Council recently introduced a pilot scheme to assess the potential of sheltered workers 15/ to move into supported or open employment 16/ if given the necessary vocational training. Those found to have such potential are offered training to upgrade their skill and productivity;

(c) The Technical Aids and Resource Centre designs and produces special aids and learning resources for vocational trainees. It also provides guidance, counselling and technical aids to improve the productivity and job prospects of disabled workers in open employment.

365. The employees retraining scheme, administered by the Employees Retraining Board, was launched in October 1992 to assist displaced workers aged over 30 to take up new skills. In October 1993, the employees retraining scheme was extended to include disabled workers and industrial accident victims. The Employees Retraining Board works closely with the Labour Department and NGOs to devise special retraining programmes to meet both the training needs of disabled persons and market demand. By the end of July 1995, a total of 1,178 retrainees had enrolled in courses specifically designed for disabled workers.

Private schools

366. Private schools offer a wide variety of courses at kindergarten, primary, secondary and post-secondary levels. At the kindergarten level, they are the main providers. At the primary level, they offer parents alternative choices to mainstream schooling. At the junior secondary level, they provide school places which help the Hong Kong Government to meet its obligation to provide free and compulsory education to all children under 15 up to secondary 3 level. They also help the Hong Kong Government to achieve its policy targets for provision above that level.

367. In 1991, to provide parents with alternatives to the secondary education offered in the public sector, the Hong Kong Government introduced the "direct subsidy scheme". Secondary schools admitted to the Scheme are paid a government subsidy ranging from one quarter of the unit cost to the full unit cost of an aided school place, depending on the amount of school fees charged. The direct subsidy scheme schools have maximum freedom to set their own curricula, fees and entrance requirements, provided that these are consistent with basic educational standards.

368. Private schools must be registered under the Education Ordinance, which is the statutory framework for all schooling in Hong Kong. To be so registered, schools must comply with regulations prescribed in the Ordinance in respect of the suitability and safety of their premises and the suitability of their staff to manage schools or to teach.

Liberty to establish and direct educational institutions

369. The only restrictions on the liberty to establish and direct educational institutions are those referred to above in respect of private schools. That is, individuals applying to be registered as managers of schools must be fit and proper persons to be entrusted with the responsibilities involved and the institutions themselves must be physically fit for their purpose in terms of size, safety, etc.

Problems faced

At the primary level

Replacing half-day sessions by whole-day sessions

370. In the 1970s and 1980s, when primary and, later, junior secondary education became free and compulsory, there were not enough schools to meet the sudden surge in demand. Nor was it possible to build new ones quickly because of space constraints, which are always present in Hong Kong. Part of the solution, particularly at the primary level, was for schools to share buildings. Thus, one set of staff and pupils would use a building in the morning, another set in the afternoon. This was known as "bisessional" or "half-day" schooling. The system helped to meet the immediate need. But the Hong Kong Government and educators recognised that, generally speaking, whole-day schooling was educationally better. Therefore, while the system still has its advocates (who argue that younger children cope better with shorter teaching days), the Hong Kong Government's policy has been to phase it out as opportunities allow. Since September 1993, it has been the policy that all new primary schools must operate on a whole-day basis. Existing bisessional schools are encouraged to turn whole-day whenever the supply of, and demand for, places in their districts permits. All public sector secondary classes now operate on a whole-day basis.

At the secondary level

Diluting standards

371. Some teachers consider that, since the introduction of nine years' free and compulsory education (entry to subsidized secondary education had previously been by examination), the general standard of students has deteriorated. This is a truism in the sense that a "diluting effect" is the inevitable consequence of the fact that secondary schools now have to admit students of mixed ability whereas they used to be able to select them on the basis of academic ability. The Hong Kong Government has helped schools to meet the difficulties they face in teaching students of mixed ability by providing additional resources: for example, more teachers, remedial teaching and support services such as counselling.

Behavioural problems

372. True to Confucian tradition, most Hong Kong parents revere education and want their children to pursue an academically oriented curriculum. Many schools take the same view: academic achievement and examination results are all-important. The result is that even students who are not academically oriented and have poor examination results go to schools offering an academic curriculum that is unsuited to their needs. Often, they lose interest in their studies and develop behavioural problems: they create trouble in the classroom and make life difficult for their peers and teachers. Behavioural problems may also result from parental neglect at home. School guidance officers and social workers are on hand to help these students. More serious cases are referred to educational psychologists who arrange adjustment programmes to suit their individual needs.

373. In recent years, increasing emphasis has been placed on communication between the school and parents. The new "home-school cooperation scheme" encourages parents to be more aware of the needs of their children. School-based activities for parents also provide additional communication channels for both schools and parents. To sustain pupils' interest in learning, schools are encouraged to adopt curricula that best suit their pupils.

374. The Hong Kong Government intends to launch a substantial publicity campaign to help parents to realise that not all children benefit from an academic style of curriculum and that their own children may do better following a more practical one. It already makes great efforts in this direction through leaflets, seminars for parents and organized visits to practical schools. In February 1996, to push the message still harder, the Hong Kong Government will distribute to all schools a video programme on practical schools. With increased publicity, it is hoped that parents will understand that for many children - including, perhaps, their own - these practical schools may be the best educational option.

Travel problems

375. In principle, school places are allocated in accordance with parental choice. Primary school places are provided on a district basis so that younger children need not travel far to school. But secondary school places are provided on a territory-wide basis and pupils sometimes have to attend schools that are a long way from their homes. Only about 1 per cent of pupils face this problem, but it is a matter of concern within the community. It largely arises from the fact that some schools do not provide enough classes beyond the third year to allow all their students to continue their studies in situ and so some have to find places elsewhere. The Hong Kong Government intends to change the way in which these schools structure their classes so that their students may continue their education in their original schools. This should reduce the problem of long journeys. The Hong Kong Government will also continue building new schools in districts with a persistent shortfall of places.

Medium of instruction

376. Hong Kong is a society that depends on international trade. Therefore, the Hong Kong Government's policy has been to educate its younger generation to be competent in both Chinese and English. At present, virtually all kindergartens and primary schools use Chinese as the medium of instruction. Some exposure to English is available in most kindergartens, while English is taught in primary schools as a second or first foreign language. At secondary level, Chinese and English are taught as individual subjects while individual school authorities decide the medium of instruction for the other subjects.

377. In the 1950s, the schools using Chinese as the teaching medium comprised more than half of all the schools in the territory. By the early 1970s, they comprised just 9 per cent. The change was largely a result of Hong Kong's development as an international commercial and financial centre that needed a

workforce proficient in the English language. For some years, all newly established secondary schools adopted English as their language of instruction, reflecting the marked preference of most parents and employers.

378. The introduction of the system of nine years' free and compulsory education in 1979 meant that the schools had to accommodate students with a wider range of academic and linguistic ability. Teachers in English-medium schools often found themselves having to use Chinese for explanation and discussion, because of their pupils' inadequate level of English. Teaching in a combination of English and Chinese did help some students. But in most cases it led to time being wasted on translation of English texts in class and, worse, learning being reduced to rote memorization of facts in English.

379. The Hong Kong Government considers that students learn best in their mother tongue and that most would learn English better if it were simply treated as an important subject and taught well. Accordingly, it encourages all secondary schools to teach in Chinese and, as part of this process, provides extra resources to help Chinese-medium schools to teach English to a high standard. Its efforts, and those of schools that have tried to revert to using Chinese, have met resistance from parents. Nevertheless, the Hong Kong Government believes that it should adhere to its policy of encouraging schools to teach in Chinese, while ensuring that students who have a proven ability to learn effectively in English continue to have the opportunity to do so.

380. In line with this policy, schools will have to choose the language of instruction best suited to their students by late 1997. To help them to make informed choices, the Education Department provides them with language proficiency profiles of their past intakes. Schools that ignore this information and continue teaching in a language or mixture of languages unsuited to their pupils' ability will be instructed, as from the 1998/99 school year, to teach in the medium that empirical evidence demonstrates they should be using. The Hong Kong Government will continue to encourage the teaching of both Chinese and English in all schools. The specific measures taken to achieve these aims are described in annex 22 to the present report.

Floating classes

381. Hong Kong secondary schools are built to a standard design with accommodation for 24 classes. In most schools, the number of classes matches the number of classrooms and each class has a "homebase" where pupils can leave books and equipment. But, for local demographic reasons, some schools may have as many as 30 classes. The extra classes have no "homebase" and must take their lessons in special rooms such as language and science laboratories. Pupils in these classes have to keep books and equipment in lockers. Because the pupils have to move from room to room during the school day, such classes are called "floating classes" and the process is referred to as "flotation".

382. Most Hong Kong educators consider flotation undesirable. It is disruptive and wastes time, and some hold the view that "floating" pupils lack the sense of belonging that comes from having a classroom of their own. For these reasons, the Hong Kong Government intends to phase out flotation at the secondary 1 to 5 levels, where pupils are studying a broad, general curriculum and need a homebase. But it considers that flotation is acceptable for

secondary 6 and 7 students because, at that level, the curriculum is specialized. Such students frequently use special rooms in the normal course of the day and have no real need for a permanent "homebase".

383. Flotation at the secondary 1 to 5 level is being phased out by:

(a) Building all new secondary schools to a standard design which provides more rooms than the previous standard did;

(b) Building extensions to existing schools that do not have adequate classrooms and other facilities. This school improvement programme will benefit 110 schools by 1996/97.

384. About 380 existing secondary schools need additional rooms. Unfortunately, the Hong Kong Government cannot meet this need in every case: Eighteen of them are on sites where space and technical constraints prevent the necessary construction.

Young immigrants from China

385. Newly arrived immigrants from China face special challenges: they come to a different kind of society and different education system and many speak neither Cantonese nor English. The Hong Kong Government conducts induction programmes to help them to adapt to the social and school educational environment and, from October 1995, it will provide an extension programme to help them to improve their English. The schools also offer a wide range of services to help them to overcome learning difficulties and adjustment problems. (see also para. 98 above).

The way forward

386. "School Education in Hong Kong: A Statement of Aims", which was published by the Hong Kong Government in September 1993, provides a framework within which educators can plan, conduct and evaluate their activities. It gives parents, students and employers and the wider community a comprehensive description of what Hong Kong's schools are trying to achieve. It also provides a focus for public debate about Hong Kong's schools and their achievements. Annex 23 to the present report sets out the aims that are identified and describes the progress being made towards achieving them.

ARTICLE 14

Free education at primary and junior secondary level

387. The position as regards the provision in Hong Kong of free and compulsory primary education, and also of secondary education, is discussed in paragraphs 337 and 338 above.

ARTICLE 15

Right to take part in cultural life

Hong Kong government policy

388. The Hong Kong Government's policy is to encourage free participation in all aspects of cultural life, subject only to measures to prevent dissemination of material deemed likely to incite hatred, result in a breakdown of law and order or gravely damage public health or morals. The copyright of creative works of artists is protected.

389. The Hong Kong Government is fully committed to promoting culture and making Hong Kong an Asian regional cultural centre. As a result, Hong Kong has a rich cultural life that embraces the arts and traditions of both East and West.

390. The Hong Kong Government sees its role as being the provider of the necessary infrastructure, particularly cultural venues, for the arts to develop. It also aims to forge a social environment that is conducive to the flourishing of the arts and to promote artistic excellence. To these ends, the policy is to build up a partnership between the Hong Kong Government and the various bodies active in the arts. These include the two municipal councils, the Hong Kong Arts Development Council, the Hong Kong Academy for Performing Arts and the Hong Kong Arts Centre, as well as other parties interested in the arts. Thus, the Hong Kong Government serves as a catalyst, not as a direct participant. It is also a major source of finance. In 1994/95, the Hong Kong Government and the municipal councils between them provided over $1,250 million for recurrent and non-recurrent expenditure on the arts.

Arts policy review

391. The 1993-1994 arts policy review, on which there was wide public consultation, pointed to a new direction for the development of the arts in Hong Kong. As a result, the Hong Kong Arts Development Council was formally established as a statutory body on 1 June 1995 when the Hong Kong Arts Development Council Ordinance was enacted. The mission of the Council, as stated in the Ordinance, is "to plan, promote and support the broad development of the arts, including the literary, performing, visual and film arts, and to develop and improve the participation and education in and the knowledge, practice, appreciation, accessibility and informed criticism of the arts, with a view to improving the quality of life of the whole community". The Council aims to make the arts an integral part of the everyday lives of the people of Hong Kong.

Freedom of expression

392. The Hong Kong Government will continue to maintain a neutral stand in such matters as artistic creation and expression. It will ensure that the existing social environment remains conducive to artistic creativity.

Article 16 of the Hong Kong Bill of Rights guarantees the right to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art or through any other media.

New legislation to promote the freedom of expression

393. In recent years, several Ordinances have been amended to give further protection to freedom and diversity of expression and information. These amendments involved, inter alia, the repeal of various provisions (under the Television Ordinance, the Telecommunication Ordinance, the Television (Programmes) Regulations and the Places of Public Entertainment Ordinance), which had previously:

(a) Conferred upon the Broadcasting Authority the power to pre-censor material before broadcast and to prohibit the broadcasting of radio or television programmes;

(b) Empowered the Governor-in-Council to give directions to the Broadcasting Authority regarding programme standards and the content of television broadcasts;

(c) Required television licensees to broadcast news reports from sources or services approved by the Broadcasting Authority;

(d) Empowered the Commissioner for Television and Entertainment Licensing to pre-censor the contents of public entertainment events, including public performances and exhibitions;

(e) Prohibited television licensees from broadcasting certain materials;

(f) Empowered the Director of Health to pre-censor advertisements for medical preparations.

394. Additionally, the Hong Kong Government is working on legislative changes for the protection of freedom of information and expression. These will entail extending existing restrictions on the common ownership of local television and radio licences and newspapers. The purpose is to prevent the dissemination of news and information by different media being controlled by a single corporation.

Hong Kong Arts Development Council

395. The Hong Kong Arts Development Council became an independent statutory body in June 1995 (see para. 391 above). It is vested with executive powers and can employ its own staff. Its statute requires it to "uphold the principle - and encourage the freedom - of artistic expression".

396. The Council is formulating a strategic plan covering the five-year period 1996 to 2001. This will propose a coherent strategy for planning, developing, promoting and supporting the arts.

397. A draft of this plan, which, inter alia, covers dance, music, drama, traditional performances, literary and visual arts, was prepared after wide

consultation with the local arts community. It was then released for public consultation. The Council will finalize it in November 1995, taking into account the comments received, and will then forward the finalized plan to the Hong Kong Government for consideration of the proposals in it and their financial implications. The plan will be the basis of the Council's future work. It will also provide a point of reference for the Hong Kong Government in determining the amount of subvention it should grant to the Council in the years ahead.

398. Meetings of the full Council are open and all its papers and minutes are available to the public. The Council runs an arts Information Centre, issues newsletters and holds public forums and press conferences.

Hong Kong Academy for Performing Arts

399. Since the Academy's establishment in 1984, its four schools (music, drama, dance and technical arts) have produced 1,269 graduates. It has gained a strong international reputation and its graduates, several of whom have become household names, have played important roles in the cultural life of Hong Kong. The Hong Kong Government is now working with the Academy to determine its next stage of development.

Antiquities and Monuments Office

400. The function of the Antiquities and Monuments Office is to record and conserve important aspects of Hong Kong's heritage. Buildings of historical value are declared or deemed to be monuments for protection and preservation. Archaeological sites are preserved or excavated to salvage relics that provide information about Hong Kong's historic and prehistoric past. The Office has a strong educational programme and has, for example, produced educational television programmes on Hong Kong's heritage. It has also produced several publications. The public has free access to most monuments.

Activities of the municipal councils

401. Funded from the rates collected from property owners, the urban and regional councils:

(a) Have constructed purpose-designed performance venues throughout the territory. Venues opened in the last decade include the Hong Kong Coliseum (1981), with a seating capacity of 12,000; the Cultural Centre (1989), with a grand theatre, a concert hall and a studio theatre; and several large district town halls and civic centres;

(b) Present subsidized cultural programmes by local and overseas performers throughout the year. Additionally special festivals focus on Asian and international arts, films and children's art;

(c) Provide museums for various aspects of cultural heritage, including science, technology, history, art and folk history. Exhibitions of various kinds are staged in municipal and other venues;

(d) Provide ancillary facilities such as a specialist arts library, rehearsal and practice rooms, arts studios and a visual arts centre. This last provides well-equipped workshops for local sculptors, ceramicists and print-makers;

(e) Operate 59 public libraries, including 6 mobile ones, throughout the territory. These provide public access to some 4.74 million items of library materials;

(f) Are establishing a Hong Kong Film Archive to acquire, conserve, catalogue, document, research and exhibit Hong Kong films and related materials. The archive building, at Sai Wan Ho (Hong Kong Island), is expected to open in 1997. Hong Kong is the third largest film production centre in the world. The archive will preserve the territory's film heritage and encourage public access to its collection through film programmes and exhibitions;

(g) Are building a major new museum of history. Planning has also begun for the construction of a museum at the nineteenth century Lei Yue Mun Fort (in the eastern part of Hong Kong Island) to tell the story of coastal defence in the region since the Ming Dynasty. A heritage museum is also being planned.

The mass media

402. The various media and television stations in Hong Kong regularly broadcast cultural programmes. Newspapers and periodicals publicize and report on cultural events. The public radio station operates a dedicated music channel.

Measures to promote the development of science

403. Science subjects are taught at primary and secondary schools and post-secondary educational institutions. Institutions of higher education obtain research funding from benefactors, private companies and the Hong Kong Government. In 1993/94, Government research grants totalled HK$ 1,510 million about 0.2 per cent of Hong Kong's 1993 GDP. These grants were allocated as follows:

Subject or discipline	HK$ million
Engineering	400
Physical Science	200
Biology and Medicine	400
Humanities, social sciences and business studies	510
Total	1 510

404. The Hong Kong Government encourages the development and application of technology to industry in many different ways. External technology transfer is facilitated by the Hong Kong Productivity Council, the Industrial Technology Centre and the Applied Research Council. Inward investment, which

is promoted by the Industry Department and assisted by the Hong Kong Industrial Estates Corporation, is also an important source of new technology. The Applied Research Council, which promotes cooperative applied research with Chinese research institutions, also funds applied research and development. From its Industrial Support Fund, the Industrial Development Council supports technology development projects that have an industrial application.

Prevention of using scientific and technical progress for purposes contrary to the enjoyment of human rights

405. The Hong Kong Government is aware of the need to prevent the use of scientific and technical progress for purposes contrary to the enjoyment of human rights. The Bill of Rights Ordinance provides, inter alia, that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and, in particular, that no one shall be subjected without his free consent to medical or scientific experimentation.

406. The Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment was extended to Hong Kong in December 1992. To give effect to the provisions of the Convention, the Crimes (Torture) Ordinance was enacted on 21 January 1993.

Control of reproductive technology

407. In 1992, the Committee on Scientifically Assisted Human Reproduction recommended measures to regulate the practice of reproductive technology in Hong Kong. In 1993, these recommendations were published for public comment, and legislation is now being drafted to establish a Council on Reproductive Technology. This will be a regulatory, licensing and monitoring body with authority over all medical treatment or scientific intervention directed at assisting human reproduction by artificial means (including in vitro fertilization, artificial insemination, sex selection and manipulation of gametes or embryos outside the body). The Council will also be responsible for drawing up a code of practice and advising the Hong Kong Government on the need for legislation. A provisional Council on Reproductive Technology is expected to be appointed later in 1995 to advise on the drafting of the Reproductive Technology Bill, which is scheduled to be introduced into the Legislative Council in 1996.

Privacy protection of personal data

408. In 1994, the Hong Kong Government introduced the Personal Data (Privacy) Bill into the Legislative Council. Based on recommendations by the Law Reform Commission, the Bill aims to provide comprehensive protection for the privacy of the individual with respect to personal data. It completed its passage through the Legislative Council in July 1995.

Intrusion into private premises

409. The Personal Data (Privacy) Bill does not cover intrusion into private premises by electronic or other means or the interception of communications, but the Privacy Subcommittee is considering these issues. The Hong Kong Government will decide what measures it should take when it receives the Commission's report.

410. The United Kingdom and Hong Kong Governments recognize the right of authors to protection of their work. Accordingly, the United Kingdom has extended to Hong Kong the application of the main international treaties on intellectual property rights. These are: the revised Paris Conventions for the protection of industrial property, 1883-1967; the revised Berne Conventions for the Protection of Literary and Artistic Works, 1886-1948; the revised Universal Copyright Conventions and Protocols, 1952-1971; and the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms, 1971. As a member of the World Trade Organization, Hong Kong is preparing omnibus amending legislation to implement the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights, including Trade in Counterfeit Goods, concluded in the General Agreement on Tariffs and Trade Uruguay Round negotiations in 1994.

411. The legal framework in Hong Kong for protecting intellectual property rights is as follows:

(a) Scientific production. The Registration of Patents Ordinance provides for the registration in Hong Kong of United Kingdom patents for inventions granted under the Patents Acts 1949-1977 and of European patents designating the United Kingdom under the Convention on the Grant of European Patents, 1973. Anyone who has registered a patent in Hong Kong can take legal action against anyone infringing that patent. On the advice of the Patents Steering Committee, the Hong Kong Government intends to introduce a further Patents Bill into the Legislative Council in 1996;

(b) Trade marks. These can be registered and protected in Hong Kong under the Trade Marks Ordinance. Unregistered trade marks are protected under the common law. The Trade Marks Ordinance is under a comprehensive review;

(c) Copyright. The Copyright Ordinance, together with the United Kingdom Copyright Act 1956 (as amended) which applies to Hong Kong with modifications to suit the Territory's situation, forms the legal basis of copyright protection and enforcement. However, a Law Reform Commission review, published in January 1994, contained proposals for reforming the Copyright Ordinance to take account of technological developments. The Hong Kong Government hopes to introduce a Bill to implement these proposals in the 1995-1996 legislative session.

Protection of the integrated circuit design

412. The layout-designs of integrated circuits are protected under the Layout-designs (Topography) of Integrated Circuits Ordinance, which was enacted in March 1994.

Implementation of policy

413. The Intellectual Property Department, established in 1990, is responsible for executing government policy on intellectual property rights. It registers patents and trademarks and works to ensure that Hong Kong protects and promotes intellectual property rights to a standard commensurate with the provisions of international treaties.

Enforcement

414. The Customs and Excise Department is responsible for enforcing the criminal aspects of the intellectual property laws. It has powers of seizure and arrest and investigates complaints alleging copyright piracy and trademark counterfeiting for trade or business purposes. It also collaborates with overseas enforcement authorities and with owners of trade marks and copyrights in a concerted effort to combat infringements. To strengthen enforcement against copyright piracy - in particular the piracy of computer software and compact discs - the Copyright (Amendment) Ordinance was enacted in May 1995. This substantially increased the penalties for such offences and introduced higher penalties for those repeat offenders.

Settlement of disputes

415. Disputes over intellectual property rights are normally settled in the courts. The Performing Right Tribunal (a quasi-judicial body) hears disputes about the public performance of copyright-protected works. Appeals on points of law can be made from the Tribunal to the High Court. In its report on copyright law reform, the Law Reform Commission has recommended that the jurisdiction of this Tribunal be expanded to cover a wider range of copyright disputes. The Hong Kong Government is considering this in the course of drafting the proposed new Copyright Bill (see para. 411 (c) above).

ARTICLE 16

Submission of reports after 1997

416. The Sino-British Joint Declaration of December 1984, which provides for the restoration of Hong Kong to China with effect from 1 July 1997, is an international agreement between the United Kingdom and China, registered with the United Nations Secretariat under Article 102 of the Charter of the United Nations. (A somewhat fuller account of the Joint Declaration is to be found in paragraphs 20 and 21 of the core document (the "country profile") for Hong Kong.) The fourth paragraph of section XIII of annex I to the Joint Declaration (JD156) provides expressly that "the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong shall remain in force" after the transfer of sovereignty. This obligation is also clearly set out in article 39 of the Basic Law, which is a Chinese law, coming into force on 1 July 1997, that gives effect to the obligations of the Chinese Government under the Joint Declaration. Article 39 provides expressly that the provisions of the International Covenants "shall remain in force in Hong Kong and shall be implemented through the laws of the Hong Kong Special Administrative Region".

417. The United Kingdom Government has fully briefed the Chinese Government on the ways in which the Covenants are now applied in Hong Kong. One of the key provisions is the obligation of the United Kingdom, as the sovereign Power, to report on Hong Kong to the relevant treaty-monitoring bodies. The United Kingdom Government has made clear its view that, to meet JD156, the future sovereign Power will have to continue to fulfil this reporting obligation.

418. The United Kingdom Government has made known to the Chinese Government its views as to how the latter may fulfil its obligations under JD156. The United Kingdom Government will continue to work for a satisfactory resolution of this important question with the Chinese Government.

Notes

1/ Paragraph 2 of annex III to the Joint Declaration provides that, after 1977, where certain types of rural properties (including "small houses") are held by descendants or lawful successors in the male line of persons who were, in 1898, residents of established villages in Hong Kong, the rent payable to the Government will not change. Other types of holding will be subject to an annual rent to be adjusted in step with changes in the rateable value of the property.

2/ A "family nucleus" is a married couple without children, a married couple with one or more never married children or one parent with one or more never married children.

3/ In its concluding observations, dated 7 December 1994, on the second report in respect of Hong Kong concerning articles 10 to 15 of the Covenant, the Committee expressed concern about the case of the child Hai Ho-tak, who was removed to China because his family could not prove that he was born in Hong Kong. In February 1995, the Chinese authorities issued the necessary "one-way permit" and the child returned to the Territory.

4/ The Gini coefficient, which takes a value between zero and one, is often used as an indicator of diversity in household income distribution. A value of zero indicates no diversity in the household income distribution i.e. every household has an equal share of the total household income. A value of one means one household owns the total household income and the rest own none. Neither extreme occurs in any real economy. In general, the higher the value of the Gini coefficient, the greater the income diversity.

5/ In September 1994, the average monthly salary, at current market prices, was HK$ 8,873: 20.6 per cent higher in real terms than in September 1984.

6/ The Committee may wonder why, with 209,000 more living quarters than households, the Hong Kong Government cannot immediately rehouse the 121,000 people now inadequately housed (as mentioned in para. 174 above). Part of the reason is that some vacant units are in the private sector, over which the Hong Kong Government has no control. It cannot, for example, commandeer such units. Further, there is no direct correlation between the number of living quarters and the number of households. A household may own or occupy more than one unit. And not all vacant units in the public sector are available or suitable for rehousing. This is the case, for example, with newly completed blocks, old blocks evacuated for redevelopment, old flats being refurbished before allocation, flats reserved for redevelopment and clearance operations and flats under offer to applicants.

7/ The earliest public housing estates had shared ablution facilities. Such standards are no longer acceptable and the Hong Kong Government is committed to replacing the few such estates that still remain.

8/ The Lands Tribunal is part of the Hong Kong judiciary. In the context of rent control, it has jurisdiction over matters brought before it under the Landlord and Tenant (Consolidation) Ordinance.

9/ The current policy is to waive hospital fees (daily maintenance, medical case surgery, etc.) for patients who cannot afford them. The waiver is not means-tested.

10/ The Montreal Protocol seeks to control production, trading, and hence the supply, of ozone depleting substances; and further to phase out the use of the substances eventually as a means of eliminating their release to the atmosphere.

11/ EPCOM is the Hong Kong Government's advisory body on environmental matters. It comprises representatives from the commercial and industrial sectors as well as prominent green groups. Its name was changed to the Advisory Council on the Environment in 1994.

12/ Until the end of the 1995 summer term, UNHCR and International Social Services (which was funded in this respect by UNHCR) also provided secondary schooling in the detention centres and in Pillar Point respectively. On the decision of UNHCR, that service has since been withdrawn. The Hong Kong Government understands that this is consistent with UNHCR policy throughout the region.

13/ The "notional maximum grant" was HK$ 28,470 in 1994/95. This figure is an average, as the actual maxima vary according to academic discipline: some disciplines, such as architecture, attract higher costs than others for books and equipment. The maximum loan does not vary, as its purpose is to cover living expenses, which are essentially the same for all students. Both maxima are reviewed annually.

14/ The Education Commission is an advisory body comprising educationalists, academics, members of the business community and representatives of the Hong Kong Government. Its remit is to advise the Hong Kong Government on all matters relating to educational policy.

15/ "Sheltered workers" are disabled persons who work in sheltered workshops. The workshops provide a planned and controlled working environment and accommodate the limitations arising from individual physical or mental conditions.

16/ "Supported employment" enables disabled persons to work in an integrated open setting with the support of assistance and advice.

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